

Transcript Prepared By the Clerk of the Legislature
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Floor Debate
March 26, 2009

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SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-first day of the One Hundred First Legislature, First Session. Our chaplain for today is Pastor Larry Ramsey of the Beatrice State Developmental Center All Faith's Chapel in Beatrice, Nebraska, Senator Wallman's district. Please rise.

PASTOR RAMSEY: (Prayer offered.)

SPEAKER FLOOD: Thank you. I call to order the fifty-first day of the One Hundred First Legislature, First Session. Senators, please record your presence. Record please, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there corrections for the Journal?

CLERK: I have no corrections.

SPEAKER FLOOD: Thank you. Are there messages, reports, or announcements?

CLERK: Mr. President, new A bill. (Read LB414A by title for the first time.) Report of registered lobbyists for this week to be inserted in the Journal, and one report received from the Office of Homeland Security. That's all that I have, Mr. President. (Legislative Journal pages 841-842.) [LB414A]

SPEAKER FLOOD: Thank you, Mr. Clerk. Members, we will now proceed to Final Reading on the agenda. I would ask that you please find your seats. Members, please find your seats. Mr. Clerk, the first bill on Final Reading this morning and the only bill is LB548E. [LB548]

CLERK: (Read LB548 on Final Reading.) [LB548]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB548E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB548]

CLERK: (Record vote read, Legislative Journal pages 842-843.) 35 ayes, 3 nays, 3

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present and not voting, 8 excused and not voting, Mr. President. [LB548]

SPEAKER FLOOD: LB548 passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB548. Mr. Clerk, we now move to Select File. LB403. [LB548 LB403]

CLERK: Mr. President, LB403 discussed yesterday. Enrollment and Review amendments were considered and adopted. Senator Karpisek has pending AM680. (Legislative Journal page 811.) [LB403]

SPEAKER FLOOD: Senator Karpisek, would you please advise the body as to the status of your amendment as to what it contains? [LB403]

SENATOR KARPISEK: I will. Thank you, Mr. President. Good morning. I'll go through real quickly what AM680 does. First, it makes clear that...I would like to make clear that it has two distinct parts. One is the verification of legal status which is the E-Verify system which was the bill from Senator Ashford. The other part is the SAVE Program to ensure that anyone who is receiving state benefits is a legal resident of the United States or a legal alien, a legal alien. There were some concerns on the bill that are fixed with the amendment. Senator Pankonin had questions from the Retirement Committee. We have gone through those. The university had raised some concerns about checking everyone walking into their clinics. We changed health benefit to health payment or financial assistance. That the university was okay with. NPPD had some concerns to clarify items pertaining to public employees and public contractors. We cleared that up. It only applies to new hires physically performing services within the state of Nebraska. There may be situations where a company may have employees not in Nebraska or even in the U.S. We wanted to eliminate any confusion on that. Also, the definition of a public contractor is redefined to include any contractor or his or her subcontractor who is awarded a contract by a public employer for the physical performance of services within the state of Nebraska. It only covers contracts awarded by public employers for services performed in Nebraska. Third, AM680 will clarify that LB403 will only apply to contracts awarded by a public employer after the effective date of October 1. AM680 is an attempt to make implementation of a verification of legal status for state benefits as easy as possible, removes language requiring the execution of a document in a form prescribed by the Department of Administrative Services. That was a concern of Senator Nantkes. The intent of this change is to allow agencies and political subdivisions to use current benefit applications if the application includes satisfactory information related to immigration status. Finally, it places a severability clause on the legislation. Thank you, Mr. President. [LB403]

SPEAKER FLOOD: Thank you, Senator Karpisek. Senator Hadley, you are recognized. [LB403]

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SENATOR HADLEY: Mr. President, members of the body, this is the first time I've gotten up and spoke on LB403, and I hope the body will bear with me just for a moment. I was born in Lincoln and I was born in what is called the German bottoms of Lincoln. And if you know anything about Lincoln, you know the German bottoms are basically west of here and north of here. And one of the pleasures I had when going to high school was to walk through the Capitol going and coming from Lincoln High School. And if I would have ever thought I would be sitting in this august body, that would have been the furthest thought from my mind. But what was interesting, I lived in the German bottoms because my grandparents were immigrants to the United States. They came in 1895 from the Ukraine area of Germany and they're called the Germans from Russia. I'm sure a number of you might even be related. But the important thing is that they came legally to the United States. I went back and followed their passage in documents through Ellis Island to Lincoln, and they came here because the United States opened their arms to them. And I have a problem with the situation we have now because we're talking about people who are unlawfully here. These are people who are basically breaking the law. And I'm not talking about young children, they have to go where their parents go, but we have people who are here illegally. And in my...when I was running for office I...certainly this was one of the hot buttons in my district and it dealt with immigration. And I'm not opposed to people legally coming to the United States or legally getting benefits if they're citizens or legal residents. But I will guarantee you most of the people in my district are opposed to benefits going to illegal or unlawful residents. Last Friday, I had a chance...it wasn't a fun thing, but I went to my doctor who I'm very...who is one of the smartest people I know. And of course when a doctor has you, they like to bend your ear, and he bent my ear on illegal immigration. And he said something that I struck home to me. And I'm really upset with Senator Nelson, not Senator Nelson here, Senator Johanns, the Representatives because I think the problem is in Washington. And my doctor said to me, he says, Galen, what I'm for are tall walls and wide doors. And I don't think that's what we have now. And we need to tell the people in Washington that they need to get on the stick. Tall walls, wide doors--if a person wants to legally come to the United States, let's not throw up artificial barriers to their coming here. I would guess that everybody in this Chamber has a story like mine that some relative on one side or the other immigrated to the United States to find a better living. I thought it was interesting. I thought about how this relates to a convicted felon. Each state is different, but in Virginia, if you're a convicted felon in Virginia, you cannot vote, you cannot hold public office, have a gun, hold any professional license. The reason you can't is because you did an illegal act and were convicted. So I have the same kind of problem with giving benefits to a person who is illegally here, who is breaking the law. So I hope I stand in favor of AM680--as you get older it's harder to read, I may have to ask for a little further seat up... [LB403]

SPEAKER FLOOD: One minute. [LB403]

SENATOR HADLEY: ...and LB403. I think it's the right thing to do, but I think we need to

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tell our Representatives in Washington to get off their hind ends and help us open that door wider so people legally can come to the United States. Thank you. [LB403]

SPEAKER FLOOD: Thank you, Senator Hadley. Senator Haar. [LB403]

SENATOR HAAR: Mr. President, members of the body, I don't mean to draw the discussion out a great deal, but there's some things I do need to say. First of all, we know that the problem with illegal immigration is a problem in Nebraska, especially in some of the communities where the demographics of the communities have just changed dramatically because of illegal immigration. We also know that the public perception is that people who are here illegally are getting a lot of public benefits that they...you know, well, simply that, that they're getting a lot of public benefits, and obviously if they're here illegally they should be getting no benefits other than what the federal government mandates. And for election, I just went through an election race and we all know...you know, Senator just mentioned what a hot-button issue this is. And of course we all went...those of us who just got elected know exactly what he's talking about. For example, one of my friends sent me a brochure that I didn't get in the mail, but it says: Ken Haar refuses to stand up against illegal immigration. And on the front of that brochure is barbed wire and a fence. And then there were several others that went out that had this similar message, and in the background there are obviously people going through the desert and there's no question what they were talking about. So it's a hot-button issue. What I'm afraid of is that LB403 is a hollow promise to the people of Nebraska. And I want to talk about the two various parts, starting with the first one. I handed out an article from The Denver Post, and I hope you get a chance to at least look at this. Again, the hollow promise: Colorado in 2006 passed a bill which was...not only was it supposed to do the same thing, but a certain amount of the language in LB403 actually comes from the bill which in Colorado is House Bill 1023, quite a bit of the language in LB403 comes out of Colorado's HB1023. And after two years, not even two years as you notice the headline on this article from The Denver Post: Colorado's new law banning state spending on illegal immigrants has cost more than \$2 million to enforce and has saved the state nothing. And so, again, I would say...by the way, if any of you would like a copy of that Colorado bill, I have a copy here that I could show you. So my question again is what does LB403 add to the process that wouldn't happen if we followed the laws that we currently have? In fact, if you look at the report, and I appreciate all the work that the Judiciary Committee did on this, the interim study, but on page 21, point four says: It does not appear that undocumented immigrants and documented immigrants that have been here for less than five years are applying for benefits they are ineligible for in public agencies in the areas we studied to check the status of applicants. And so the report itself said that even though there's the public perception that people here illegally are getting all these benefits, there's no evidence of that. So I go back to the concept of a hollow promise. And I guess I would... [LB403]

SPEAKER FLOOD: One minute. [LB403]

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SENATOR HAAR: ...I would like to ask Senator Karpisek, in the minute that remains, to tell me how he believes that LB403 adds to the process and is not simply a hollow promise. We talked about this a little bit yesterday off the floor. [LB403]

SPEAKER FLOOD: Senator Karpisek, will you yield to a question? [LB403]

SENATOR KARPISEK: Yes, I will. Thank you. Senator Haar, on reading the Colorado piece I do see that. Of course, there is someone who says they're probably playing fast and loose with the statistics, but right now the unemployment insurance division of the state is using SAVE Program. They estimated that they saved \$300,000, I think, last year by flagging some of these people who had applied. So we are using SAVE quite often already in state government, but not in all parts. In some of the... [LB403]

SPEAKER FLOOD: Time. [LB403]

SENATOR KARPISEK: Thank you, Mr. President. [LB403]

SPEAKER FLOOD: Thank you, Senator Haar, Senator Karpisek. Senator Nantkes, you are recognized. [LB403]

SENATOR NANTKES: Thank you, Mr. President. Again, colleagues, this is not to extend the debate unnecessarily, but rather just a few quick points to follow up from a dialogue that we started yesterday in relation to what rights are afforded to citizens and noncitizens in the country. And I just wanted to clarify for the record that the majority of the rights contained within our federal and state bill of rights that we generally think about as civil rights are afforded on the basis of personhood, not on the basis of a citizenship status. That's really the important distinction in terms of who qualifies for those traditional civil rights--all persons, regardless of immigration status. In terms of privileges afforded under the laws of the United States and the state of Nebraska, including public benefits, those can be restricted on the basis of citizenship or legal status. That being said, there is a variety of public benefits that are available regardless of legal status under federal law because the overarching public policy concerns are so great. For example, we allow under the Violence Against Women Act immigrant women or men, for that matter, who would be fleeing an abusive, battered relationship to be afforded certain rights and protections and public benefits. As we noted yesterday in terms of Medicaid benefits for prenatal care and healthcare and birth expenses, regardless of the mother's immigration status, if the child, the unborn child, will be considered the American citizen that we're bestowing rights upon, that's how they would qualify. Also, my good friend Senator Wightman had a chance to remind me after our dialogue yesterday that another right that has been clearly afforded on the basis of personhood rather than citizenship, based on the U.S. Constitution and delineated further through Supreme Court jurisdiction, primarily in the case of Plyler v. Doe, is the

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right to a free K-12 public education, as many of you know. So I wanted to make sure that was clear for the record as well. I'd also let the body know, and I'd be happy to pass these informative tools around via e-mail or in hard copy, depending upon your preference, there are a variety of resources out there on the Web from different organizations that...the National Lawyers Guild is one, for example, that talks about constitutional and civil rights afforded on the basis of personhood and those afforded on the basis of citizenship that may be helpful for your records or understanding. There are also resources available about immigrants and public benefits and what they can qualify for in certain limited, targeted circumstances that may be helpful for your benefit, and for the most part should be unaffected by this legislation and its amendments. But without having a chance to fully cross-reference all of those, I think a word of caution is appropriate that there may be an impact in some regards. And so we want to, I think, be cautious or at least know that that is a potential that we want to consider. The other point in closing, colleagues, that I want to make very, very clear for the record, I understand we've heard many times in the context of this debate the frustration about people's lack of adherence to... [LB403]

SPEAKER FLOOD: One minute. [LB403]

SENATOR NANTKES: ...our system of laws in this country, and really how that files a lot of the acrimony surrounding those here without legal status. To be 100 percent clear, there is no disagreement amongst any legal authorities, immigration law is a civil, administrative law. And those who come here without status or come here with status and who later would expire and move into an undocumented category are committing a civil violation of our laws. These are not criminal violations of our laws. And I just...not to belabor the point, but that has to be very, very clear for the record and for the body. And it's not to diminish that frustration which I know exists, but I think that we have to be clear about the frameworks that we're operating in. Immigration is a civil, civil body of law. It is not a criminal body of law. Thank you, Mr. President. [LB403]

SPEAKER FLOOD: Thank you, Senator Nantkes. Senator Ashford. [LB403]

SENATOR ASHFORD: Good morning, Mr. Speaker. And I just want to try to very briefly reiterate what I have already said about this process. As the body knows, the Judiciary Committee spent the summer looking at the issue of immigration. And as...we did this because of really the contentious nature of the discussion last year and I felt the need to have a broad-based study on the issue of immigration. The findings that we made you have copies of, and there are several findings. And we're going to continue to look at this issue this next interim time and continue to talk to people around the state about the issue of immigration. The proposals which are in LB403 now are, I think, responsible provisions. What they do though is...what they do in my view is set a standard. Basically, the standard is that in Nebraska public funds will not be spent in the categories that we've discussed. And there are certainly public funds that are being

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spent, and Senator Nantkes has described some of them--education, healthcare, and others--that are spent on certainly children of undocumented workers. But we're setting a standard that says we don't...it's not that we don't want immigrants in Nebraska, we do. And as Senator Hadley so rightly said, we are all immigrants except for the Native-born Americans that are in our state. We all came here from somewhere else. But basically what we're trying to say is we're setting a standard for...that we want documented workers, we want them to come here, we want them to work here. We are also sending the message to Congress that there are 50,000 undocumented people in our state. It's up to Congress to react to or change the policy regarding those 50,000 people. The other finding, one of the major findings in our study and a critical finding is the children came here not of their own freewill. And there are potential disruptions in families without question. There already are disruptions in families because the children are either born here or have come here as small children and their parents are undocumented--big problem. Senator Haar raises the issue of the Colorado statute. Our statute or our proposed legislation does not go as far as Colorado. I don't think it'll save any money, Senator Haar. I don't think that's the reason for doing this. I think the reason is this, in a nutshell, and that is that if we spend public money to promote or to condone undocumented workers in our state, I believe, I absolutely believe...and this is my major finding from going around the state this summer is we don't want to be complicit in creating a subservient class of people. We don't want that to happen. We want to send the message we want immigrants. We want to encourage Congress to do something with the immigrants that are undocumented that are here now, but we don't want to be complicit in encouraging the creation of a subservient class of individuals who can't go anywhere in society. They can't work legally. They can't go very far in our society legally, and that's a problem with me. And that sort of that problem or that condition that we're dealing with in our state is a condition brought upon by federal inaction or federal action, however you want to describe it, and mistake upon mistake upon mistake. But I don't think it's then appropriate... [LB403]

SPEAKER FLOOD: One minute. [LB403]

SENATOR ASHFORD: ...for our state to be complicit in encouraging this underclass of workers. And there are many sad cases our there. There are many sad cases of families that may or have been broken up because of immigration law enforcement. We are not getting involved in police action. We're not getting involved in punishment of immigrants here. What we're trying to do is suggest that Nebraska has a standard. Public funds will only be used for people who are eligible to receive them, spent for people who are eligible to receive them. That is a responsible position to take. Hopefully the federal government will get the message. Hopefully there will be something that will be done, especially with the children. There is no more sadness than to see families being broken up or young children not able to get the kind of healthcare they need. But that isn't going to change until the federal government changes the rules. [LB403]

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SPEAKER FLOOD: Time. [LB403]

SENATOR ASHFORD: Thank you, Mr. Speaker. [LB403]

SPEAKER FLOOD: Thank you, Senator Ashford. (Doctor of day and visitors introduced.) Continuing with discussion, Senator Haar, you are recognized. [LB403]

SENATOR HAAR: Thank you, Mr. President, members of the body. I don't disagree with anything that my friend Senator Ashford has just said in terms of setting a standard. I don't think anybody in the state that I've talked to agrees...needs to know that the standard is that people who are here illegally should get any kind of public funding or public support. What I sense is that the people want solutions to the problem. And telling state government and other parts of government that we ought to be following the law, the law already says that we can't give these kind of benefits. It's not a solution. We don't...we're just telling them once again they should obey the law, and I think that's why I started by saying I believe this is a hollow promise. It doesn't add any solutions to the process as far as I can see, and that's my problem with the bill. I do have some questions then about E-Verify, if I could ask Senator Ashford a question or two. [LB403]

SPEAKER FLOOD: Senator Ashford, will you yield to a question from Senator Haar? [LB403]

SENATOR ASHFORD: Yes. [LB403]

SENATOR HAAR: One of the things we heard earlier on and I think Senator Campbell brought it up is that earlier documents had shown that March 6 the funding would end for E-Verify. Was that renewed, do you know? [LB403]

SENATOR ASHFORD: Yes. [LB403]

SENATOR HAAR: So E-Verify is up and running? [LB403]

SENATOR ASHFORD: There's no doubt in my mind, Senator Haar, that E-Verify...which is still denominated as a pilot project but will be funded into the next budget year, and eventually will be part of a more permanent project. And consulted with Senator Nelson's office on this and they've assured me that the money will be there to fund it. And it is a priority of the President's, President Obama's to adequately fund E-Verify. So I...that's a good question. I've checked it as thoroughly as I could, and I am convinced that the money will be there to...obviously if there is no E-Verify you can't use it. But I'm 99.9 percent sure that it will be funded into the next biennium of the federal budget. [LB403]

SENATOR HAAR: Okay. If it's not funded, then what happens, this portion of the bill

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simply... [LB403]

SENATOR ASHFORD: There wouldn't be any verification process in place and employers would not be able to utilize it, so it would be real...you know, it just wouldn't...it would be null and void really,... [LB403]

SENATOR HAAR: Okay. [LB403]

SENATOR ASHFORD: ...de facto. And then we'd have to change the law, I suppose, next year and take it out. I don't anticipate that's going to happen though, Senator. [LB403]

SENATOR HAAR: If E-Verify would go away, Senator Ashford, would...is there another way of checking? [LB403]

SENATOR ASHFORD: No. [LB403]

SENATOR HAAR: But employers are still required under law, right,... [LB403]

SENATOR ASHFORD: Right. [LB403]

SENATOR HAAR: ...to make sure with the E-9 forms and all of those sort of things... [LB403]

SENATOR ASHFORD: Right. [LB403]

SENATOR HAAR: ...oh, I'm sorry. I think it's the I-9 that you have to fill out on that. [LB403]

SENATOR ASHFORD: I-9 forms. They're required to keep that documentation, to take that information in, and I assume they would continue to do that. They do that now. [LB403]

SENATOR HAAR: Um-hum. [LB403]

SENATOR ASHFORD: Those employers not covered by this act would continue to follow federal rules on the I-9 form. But as far as checking, there is no other way other than sending the documentation to Washington and having it checked that way, but that's not what's required. What's required is they maintain the documents. [LB403]

SENATOR HAAR: Okay. Now, according to the processes, Senator Ashford, I'm going to keep you at the mike a little more,... [LB403]

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SENATOR ASHFORD: Okay. [LB403]

SENATOR HAAR: ...am I correct that you can't use E-Verify until you've hired somebody? [LB403]

SENATOR ASHFORD: Correct. [LB403]

SENATOR HAAR: Could you talk about that just real...because that surprised me. [LB403]

SENATOR ASHFORD: Well, yeah. The E-Verify is not a preemployment screening process. It is... [LB403]

SPEAKER FLOOD: One minute. [LB403]

SENATOR ASHFORD: It is a postemployment screening process that occurs, I think, within a week after hire, I believe. And then the employee has an opportunity, if it does not come back positively, the employee has an opportunity to bring in documents to show that they in fact do have the status necessary to work. And so it really is a postemployment. And most employers try to keep people employed if it comes back negative. Those who use E-Verify try to keep people employed because they've already gone through the process of employing them. So there are efforts to find the information that is needed to keep people employed. [LB403]

SENATOR HAAR: Okay. Thank you. [LB403]

SPEAKER FLOOD: Thank you, Senator Haar. Senator Wightman. [LB403]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I applaud both Senator Hadley and Senator Ashford for their comments this morning. I think they are on point. I will support AM680 and will support the underlying bill. At the same time, and I know I've spoken on this issue previously, I believe that we should set forth an accurate reason for our support for the bill if we are going to support it. I hear throughout my district, I hear throughout the state of Nebraska the fact that the illegal immigrants, the undocumented workers are costing us millions and millions of dollars. I think every study that's ever been done, any that I've ever seen, and the two that I'll refer to particularly are the Texas net impact study that was done a few years ago and the UNO study at Nebraska, show that not to be the case. If you'll review the UNO study that was just completed I think this last summer, it showed that actually \$1.07 is returned to the state of Nebraska for every \$1 of public benefits that is being provided to undocumented workers. So I think if we're going to justify it on that basis, we really can't justify any of this legislation. Now, I think there are other reasons that would support your support of AM680 and LB403. Certainly if you are one who believes that we have a

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law that ought to be enforced, that's a justifiable reason I think for supporting both the amendment and the bill. I think that Senator Ashford's position that we need to do what we can to either eliminate or at least more clearly to provide for an underprivileged class and that we are perpetuating that by our current actions with regard to illegal immigration, I think that's probably justifiable. But if you're basing it, and I'm afraid all too many politicians across this country do base it on the fact that it's costing everybody a lot of money, I think that's inaccurate. Now, these studies do show that they aren't taking into account, and I think that's true of both the UNO study and the Texas net impact study, are not taking into account the cost of some medical services, may not be taking into account also some law enforcement expenses. But it includes all of the cost of K-12 education. It includes all of the benefits they are receiving. And what's happening is these people are paying into state government, to local government, they're paying their sales tax. They're also paying into the federal government, and most of that they're never ever going to get a cent out of, so they really aren't looking to benefit at all from what they're...is being withheld from their payroll checks. So it just seems to me that we ought to be clear, and I think a lot of times we stir up a lot of resentment against undocumented workers on the basis that it's costing everybody a lot of money. I just think we need to be clear about that and I think we should not perpetuate that. I would suggest, you know, really what probably a large segment of those people who would have us take a severe stand against undocumented workers, a lot of them would like to see all of them deported tomorrow if that was their choice. Well, the fact is they're not going to be deported tomorrow. There's no way to deport 12 million people, and I've heard estimates as high as 20 million. But we aren't going to deport 12 million people tomorrow, and if we did... [LB403]

SPEAKER FLOOD: One minute. [LB403]

SENATOR WIGHTMAN: ...if we did, I suggest to you that we would have a depression in this country, an economic depression, because that represents 4 percent of the population of the United States. And if you withdrew 4 percent of the gross domestic product or whatever they contribute to it on top of what we're seeing today as far as our economic problems, we would be facing a depression. So people who are saying that don't really realize, I think, what they're asking for. Thank you, Mr. President. [LB403]

SPEAKER FLOOD: Thank you, Senator Wightman. Senator Council, you are recognized. [LB403]

SENATOR COUNCIL: Thank you, Mr. President. I rise to thank Senator Haar for his comments and I really appreciate Senator Wightman's comments because that's the concern I have about this piece of legislation, the underlying bill, LB403, is that we need to be honest with the citizens of the state of Nebraska with regard to what this bill accomplishes and what the intent to be served by this legislation. I agree with Senator Haar's comment that in large measure this is feel-good legislation. And when I hear the

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comments about what the failures of the federal government, in fact, and Senator Haar alluded to it, we're talking about requiring use of the E-Verify system. That is a federally sponsored system. That was a program developed by the federal government to address the employment issues surrounding undocumented workers. So while we are at one time criticizing the federal government for not taking what we believe to be appropriate action in the area of immigration, we are basing this legislation on use of the E-Verify system with the hope that it will be reapproved in I think it's July of this year in terms of the federal government continuing to offer that program. Number two, with regard to the use of the SAVE system, as I have previously stated during testimony on the original bill, the agencies of the state of Nebraska already use the SAVE system. And in fact, use of the SAVE system has not established any, by any overwhelming evidence, abuses of the benefits awarded by and through those agencies as a result of the use of the SAVE system. In fact, there was testimony as to how the SAVE system identified some individuals who were not eligible for benefits and they didn't receive benefits. So the whole issue, as Senator Wightman alluded to, about illegal immigrants taking advantage and costing the state of Nebraska millions and millions and millions of dollars, well, if that is in fact occurring, it's not occurring with respect to benefits that could be impacted by LB403. If that is occurring, it's occurring with respect to emergency healthcare benefits, which are not impacted by LB403. They're occurring with regard to education benefits, which cannot be impacted by LB403. So with regard to the benefits that could be impacted by LB403, there's been no evidence of any abuses of those benefits by immigrants who do not have proper documentation. And again with regard to the SAVE system, if...my colleagues heard the description of the demonstration of the SAVE system, it is a self-reporting system. The SAVE system is based upon an individual reporting or disclosing that they are an alien. Then the SAVE system verifies whether or not their alien status allows them to be eligible for the benefit they're receiving. Under the SAVE system, if an individual does not honestly report the fact that they are an alien, the SAVE system does nothing to prevent that individual from accessing benefits. SAVE verifies the self-disclosure of your status as an alien...

[LB403]

SPEAKER FLOOD: One minute. [LB403]

SENATOR COUNCIL: ...and as an alien who is or is not eligible to receive that benefit. So I agree with Senator Wightman. We ought to be honest about what this bill does and does not do, and it will not reduce at all the costs incurred by the citizens of the state of Nebraska for providing public education to immigrants who are not lawfully in the country. It will not do anything to reduce the cost to the citizens of the state of Nebraska for providing emergency healthcare benefits to immigrants who are here without proper documentation. It will do nothing to reduce the costs of citizens for providing emergency shelter, because all of those are required by federal law to be provided and there's nothing that LB403 can do to change that. [LB403]

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SPEAKER FLOOD: Time, Senator. [LB403]

SENATOR COUNCIL: So if we want to address it, talk to our federal delegation. [LB403]

SPEAKER FLOOD: Thank you, Senator Council. Senator Gloor. [LB403]

SENATOR GLOOR: Thank you, Mr. President, members of the body. I rise as I did the other day in support of AM680 and the underlying bill LB403. There has been a lot of back-and-forth good discussion about this. Information, as it relates to the actual dollar impact, I think is appropriate to look at with a hard eye, knowing that that issue can be argued either way. What I have tried to bring to the dialogue has been my personal experience with the actual expense that our institution saw as a result of the nonenforcement of illegal immigration, as well as the social price to be paid sometimes tragically. I would like to talk about a single case of someone who was illegal immigrant that we provided care for who was in a motor vehicle accident with I believe three other occupants in the car. They were fleeing arrest. And unfortunately we're not talking about a serious crime here. There was some sort of motor vehicle infraction, but since they were all illegal wanted to be avoid being pulled over. As a result of fleeing, there was a car accident, several killed. And one individual that eventually came to our institution was paralyzed. It was a cervical fracture that meant he was quadriplegic. There was no place for him to go in this state. We were not at that time a rehab hospital. We did the best we could, provided care to him. The tragedy here wasn't just in terms of dollars and cents because ultimately his bill was just under \$300,000 in cost. It wasn't his actually...those weren't charges, the actual cost was \$300,000. The tragedy here that we have to understand is that after about three months, his friends, his girlfriend all abandoned him, moved elsewhere to work, and he was left to himself. Efforts, even working with his consulate to see if we could get him home, which is where he wanted to go, back to his country, met with no assistance whatsoever. And we eventually, at our own expense, sent him with two nurses on airplane with tickets that we purchased back home into a house that had a dirt floor. And not surprisingly we received notice about six months later that he had died. There is a social tragedy in all of this, and a system that encourages, makes it easy for people to come to this country has with it not only a price that I gave you for the cost to provide this charitable care, but also in the tragedy here. This all began with men fleeing arrest because of their fear of being pulled over for a speeding or a DWI citation, and ends up with the death of a number of individuals. We have got to remember, when we talk about the need for these individuals to try and find work and the dollars that they can send back to their country that might be able to help families, that there is a flip side to that also. And there are stories and stories and stories like this in this country of people who, because they're here illegally, get involved in making decisions that ultimately end up in tragedies. Thank you. [LB403]

SPEAKER FLOOD: Thank you, Senator Gloor. Senator Haar, this is your third and final

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time. You are recognized. [LB403]

SENATOR HAAR: Thank you, Mr. President, members of the body. So far in this session we've been struggling with how to come up with a solution to deal with especially children who have psychological problems and so on to give funding and service. And yet I think in this bill...and it is a feel-good bill because I just cannot see that it's a solution, but we're spending money in this tough economic times that we should be spending in other places. I would hope as a minimum...and I'll talk to Senator Karpisek about this one, whether he'd be willing to amend the bill on Final Reading to put a time limit on this so we can see if this is money well spent. I think it's the least we can do for the people of Nebraska to assure them that actually this bill is accomplishing something. We want solutions. We want the illegal immigration to stop, every one of us. Every one of our constituents wants illegal immigration to stop, but we want some real solutions. And you look at E-Verify, for example, we're only...I believe it's my understanding we're only requiring this of things that involve public monies. We're not saying that all employers in this state have to apply E-Verify. And people come here for jobs, there's no question. If we're going to stop illegal immigration in this country, it's got to be stopped at the workplace. This is why people come to the country. Yet we're only requiring that E-Verify be used when it involves public money, and I don't understand that as well. So I appreciate what Galen Hadley said, Senator Hadley, when he said tall walls, wide doors. But I believe we have to enforce the laws we have. The people of Nebraska need to know that this bill, LB403, is not going to solve the immigration problem in Nebraska. And the solution...and I don't say this lightly, I think we need to tell Washington that we're mad as hell that they're not doing something about the immigration problem. They are the only ones that can address this problem effectively. It's in their ball court and we hear this all the time. When localities across the nation try to solve their immigration problems, the federal government steps in and says you can't do that, it's our game, you can't get into that game. So somewhere we need, again, to tell the federal government how serious this problem is, how seriously we the people of Nebraska take this problem, and we want a solution from the federal level. I hope that LB403 accomplishes part of this solution. I'm not convinced of that, and I will talk to Senator Karpisek about an amendment. Thank you very much. [LB403]

SPEAKER FLOOD: Thank you, Senator Haar. There are no other lights on. Senator Karpisek, you are recognized to close on AM680. [LB403]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I think we've had a full discussion on the bill. I think we've...especially on the amendment, we have calmed a lot of people down. We've tried very hard in this bill to make people feel better. As this bill came out, it was much stiffer. And if we would have left it that way, I believe that we could have passed it that way, but we have been negotiating all along with senators and people outside the glass making sure that this isn't a burden on business but also that it does do something for the taxpayers. And I believe it does do quite a few

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things. Is it the end-all solution? Absolutely not. It was never intended to be, and it's intended to be a little bit of a message to the federal government to say we do need this. I think we have done a lot of things that maybe I wouldn't have agreed to, but I do want to move this bill. I do want to see what it will do and how it will work. I do not think it's going to cost the state a lot of money, and I do think it will save some money. I would appreciate your vote on AM680. And if there's any other questions, I'd be happy to talk to you off the mike. Thank you, Mr. President. [LB403]

SPEAKER FLOOD: Thank you, Senator Karpisek. The question before the body is, shall AM680 be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. Oh, one moment. Mr. Clerk, please record. [LB403]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of the amendment. [LB403]

SPEAKER FLOOD: AM680 is adopted. [LB403]

CLERK: I have nothing further on the bill, Mr. President. [LB403]

SPEAKER FLOOD: Senator Nordquist for a motion. [LB403]

SENATOR NORDQUIST: Mr. President, I move LB403 to E&R for engrossing. [LB403]

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. All those opposed say nay. LB403 advances to E&R for engrossing. Mr. Clerk, items for the record. [LB403]

CLERK: Thank you, Mr. President. Bill read on Final Reading this morning was presented to the Governor at 9:18 (re LB548). Communication from the Governor to the Clerk (Read re LB548). Confirmation reports from the Education Committee, three separate reports. New resolutions: Senator Christensen offers LR68, LR69, LR70, and LR71. Those will be laid over. Senator Janssen, LR72, LR73, LR74. Those will be laid over. And Enrollment and Review reports LB260 and LB483 as correctly engrossed. And that's all that I have, Mr. President. (Legislative Journal pages 843-848.) [LR68 LR69 LR70 LR71 LR72 LR73 LR74 LB260 LB483 LB548]

SPEAKER FLOOD: Thank you, Mr. Clerk. (Visitors introduced.) Continuing with our agenda this morning, Mr. Clerk, LB458. [LB458]

CLERK: LB458, a bill by Senator Harms. (Read title.) The bill was introduced on January 20 of this year, referred to the Health and Human Services Committee. The bill was reported back to the Legislature. I have no amendments at this time, Mr. President. [LB458]

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SPEAKER FLOOD: Thank you, Mr. Clerk. Senator Harms, you are recognized to open on LB458. [LB458]

SENATOR HARMS: Thank you, Mr. President, colleagues. This bill is designed to address a gap of current policy related to the access to associate degree programs by parents who are participating in the Aid to Dependent Children, which we often refer to as the ADC program. Parents in this program are required to do 30 hours a week of work activity. To meet this requirement, parents must participate in a 20-hour core activity and may participate in 10-hour of noncore activities. Nebraska allows ADC recipients to pursue a postsecondary education to meet their work requirements, recognizing that the surest path out of poverty is through education and training, and that's our only hope for the future. Educational programs leading to an associate degree and related activities such as study time can count towards a core activity, work activity, but only for 12 months. And that's where the problem lies. This bill would address this gap by allowing parents to count their associate degree coursework and their core activities up to 36 months, ensuring that the family and the parent can complete the degree, can complete the program and not be a block in their...and a discouraging point for parents. They can pursue a diploma, a certificate or an associate degree. According to a study that was done in 2005, only 1 percent of the people aged 25 and older in Nebraska with some college education ever receive public benefits. What this really tells us, that if a Nebraska ADC recipient pursues a college education, it's very unlikely, it's very unlikely that they'll ever go back on public assistance in the future. And so education is the key to poverty. But the problem with it is that Nebraska's current structure makes it very, very difficult for a parent to succeed because it just does not give them the opportunity to obtain the degree. And only allowing them full-time participation of an associate degree, as I pointed out earlier, for 12 months just doesn't make it happen. And what happens, we start a parent down the line, they get discouraged, they can't go on any farther. And then when you add 20 more hours of work on that, once they're past the 12 hours it doesn't function and they'll go back on assistance and they'll never get out. So I think it's an important bill. And I want to point out that making this change does not violate federal regulations. The federal Temporary Assistance for Needy Families, which we often refer to it as the TANF program, gives states...it is a counterpart to the ADC program. It allows states to have the flexibility to do what they want. They leave 50 percent of their program can be outside of the federal guidelines, and that's designed so that we can give them assistance. We can design a program that helps these people be successful. So I would ask you to support this. Thank you, Mr. President. [LB458]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Thank you, Senator Harms. You have heard the opening of LB458. While the Legislature is in session and capable of transacting business, I proposed to sign and do hereby sign LR51, LR52, LR53, LR54, LR55, LR56, LR57,

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LR58, LR59, and LR60. Members requesting to speak on LB548 are Senator Gay, followed by Senator Fulton, Senator Wallman, Senator Wightman, and Senator Stuthman, and Senator Council. Senator Gay, you're recognized. [LB458 LR51 LR52 LR53 LR54 LR55 LR56 LR57 LR58 LR59 LR60]

SENATOR GAY: Thank you, Mr. President. I rise in support of the bill. And I just wanted to speak a little bit about finding a problem, fixing the problem. I believe this bill does. And use a little common sense when it comes to these issues. Right now, what we had in place earlier is just a very minimal amount you could go and then you had to get off this program, so you could never really finish a degree or an associate's degree or anything. So what we found in Health Committee, many of these...many of the women who, and men, who are using this, they would get on there and try to improve their lives. And then all of a sudden find out, oh, by the way, that's not available anymore. And they had just got into these programs and all of a sudden the rug was kind of pulled out from under them. There was concern that we'd lose some TANF funding if we did this. Well, we've been...our work participation rates in Nebraska have been very good. So that really isn't a concern anymore. The Health and Human Services worked with us throughout the summer on this bill, and it's a much...well, it's not much better, it was good to begin with, but now it's tightened up and it's a very useful tool, I think, because the idea that Senator Harms talked about was if we can get people back into the work force and trained and moving on, especially in areas, you know, we need help in a lot different areas, this helps do that. Because it does take longer than 12 months to go and get an associate's degree or whatever you want to do. That's just not adequate. So we get them started and then all of a sudden they'd be diverted. And we're talking about a challenge. They've got kids, they've got a lot of things going on, roadblocks along the way, and I think this will help remove some of those. It still takes a very dedicated person to get through this, to use this vehicle to go improve their lives, get a job, and get off assistance. So I think it's a very good bill. I support it. I commend Senator Harms for pursuing this. This has been a bill he's been pursuing now for several years, and it's a good bill, and I hope you support it. Thank you, Mr. President. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator Fulton, you're recognized. [LB458]

SENATOR FULTON: Thank you, Mr. President. Senator Harms, Senator Harms. It's all right. I'm in favor of the bill. Just wanted to evoke a memory for you. Would Senator Harms yield to a question? [LB458]

PRESIDENT SHEEHY: Senator Harms, would you yield to questions? [LB458]

SENATOR HARMS: Yes, I will; yes, I will; yes, I will. (Laughter) [LB458]

SENATOR FULTON: Well done. The sunset date, I'm curious about the sunset date.

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You're a thoughtful person. I understand you probably had this in for a reason. I wonder if we could get that in the record. [LB458]

SENATOR HARMS: Yes, I will. That's a great question. Thank you very much. That sunset date is in there for two reasons. One of the reasons is the work activity, the work tasks we have require...the feds require us to have at least 50 percent in core activities and 50 percent outside of that core activities. And when you're outside of that core activities, then that can become not revenue neutral. And the reason we put that in there is we want to make sure that we have a better understanding about where this bill is going. And we also want to make sure that in this process, as parents get involved in this program, that it's working the way we want. I have some concerns many times about bills that we approve without any review of that to see what's happening. The parents that are in these programs are parents that are in a very poor environment. And I want to make sure that this program is working and is designed to meet their needs, and they are accomplishing the goal of moving towards a certificate or a diploma or associate degree. And this focuses on it, it makes us come back and look at it, Senator. [LB458]

SENATOR FULTON: Okay. Thank you, Senator Harms. It's a great bill. This is something for us. A lot of us are new at law making. In fact, those of us who are veteran are even new at law making with the onset of term limits. When you put in place mechanisms by which to gauge the effectiveness of legislation passed, then it really communicates to future generations the seriousness of the legislation. Here is a great example. Thank you, Senator Harms. This is a good piece or policy to allow for government to be able to legitimately and appropriately help those who are interested in helping themselves. So I do support LB458. Thank you, Mr. President. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Wallman, you're recognized. [LB458]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I, too, want to thank my friend Senator Harms. This is a win-win situation, I feel. And I love sunset clauses on bills to see if they actually work the way we think they should because sometimes the language or something is written up, it doesn't quite work the way we think it should. So I like this bill, Senator Harms, and I would urge the body to support it. Thank you, Mr. President. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Wightman, you're recognized. [LB458]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I stand in full support of LB458. As a matter of fact, last year, as some of you may remember that Senator Harms had some health problems, and I asked if I could help out on anything

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and he suggested that I carry this bill. Lo and behold, he returned a couple of months later and he found out he'd sent a boy to do a man's job. I was unable to get it through committee at that time. So the man is back and I appreciate that. And to tell you a little about the bill, and he's already explained it better than I can, but it would...the work requirement would be met by someone that is attending a community college or pursuing other type of technical training. And so they would be doing this in place of the work. I think this is a fine time for this bill to be going into effect, because with the economic problems I think it's going to be very difficult to meet the work requirement under TANF. And I think if these people who find themselves in this situation can attend college, community college and receive some training that will advance their skills, I think it's a great thing. Right now, I think there's no fiscal note attached. And so I urge the body to support LB458. Thank you, Mr. President. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Stuthman, you're recognized. [LB458]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I'm in full support of this bill and I think this a very important bill that we pass this year. Some of the things that I've been approached by some of my constituents was the fact that they weren't able to get the work requirement, you know, in the public assistance. I think by passing this bill and utilizing the fact that the schooling is a considered work function because these people, you know, if they can get an education, get out into the workplace, better themselves, they're not only bettering themselves but they're setting examples for their children that are at home, that they're working. They're able to accumulate some funds to better their life at home. And I think this is very important because these individuals, the majority of them, will become assets of the state in time to come. And it gives them a sense of satisfaction that they have acquired something that they would be able to do by having these additional hours of education that can be considered as part of the work portion of their public assistance. I think we should try in every effort to try to get people off of public assistance. And I think this is one of the most important things. So I truly support this bill. Thank you, Mr. President. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Members requesting to speak on LB458, Senator Council, followed by Senator Dubas, Senator Mello, and Senator Cook. Senator Council, you're recognized. [LB458]

SENATOR COUNCIL: Thank you, Mr. President. I think I can do a better job than Senator Fulton. Senator Harms, Senator Harms, Senator Harms, I want to thank you so very much for introducing this piece of legislation and allowing me to join as a cosponsor. This is a very significant piece of legislation. If we truly want to carry out the objective of the original intent of welfare reform, that is to move people from dependency to self-sufficiency. And the work requirement of the current TANF program can be met by many of the participants by simply taking low-skill, low-wage jobs. But

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that doesn't serve to move those individuals from dependency to self-sufficiency. Providing these individuals with the opportunity to gain the skills and the knowledge to move into meaningful employment that pay self-sustaining, living wages is the way that we are going to accomplish the objective of moving individuals from dependency to self-sufficiency. I know a number of individuals in the district I represent who participate in the TANF program who wanted to enroll in programs that would result in them gaining certifications and associate degrees that would enable them to be considered for employment with entities that paid living and sustainable wages. By allowing this alternative to those individuals, we are removing some of the critical barriers to employment. I am a part of a project in north Omaha, cosponsored by the Omaha Chamber of Commerce, the North Omaha Development Project. We have a work force development task force, and one of the critical barriers to employment for individuals in north Omaha is the skill level, day care, and transportation. By enabling people to access the skills training they need through enrollment in a associate degree program or a certificated program, you not only provide them with the means for employment but you also provide the first step towards entrepreneurship. Many of the individuals in a TANF program could go through programs where at the end of the program they could become certificated with regard to nursing assistance or home healthcare providers. And that is a business opportunity that presents itself to some of these individuals. So we're not only talking about providing employment opportunities, but potentially business development opportunities for several of these participants. So I would urge the body to support LB458 and to begin to address the issues of underemployment, and unemployment in many of the communities that we represent. So again, Senator Harms, I applaud you for your persistence, and I thank the committee for voting this piece of legislation on to the floor for this debate. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Council. Senator Dubas, you're recognized. [LB458]

SENATOR DUBAS: Thank you, Mr. President and members of the body. I, too, would like to thank Senator Harms for this particular piece of legislation and willingness to continue to work it. This is such a great piece of legislation and one that I'm more than happy to stand up in support of. I think we've all heard the adage: Give a man a fish, he feeds himself for a day; Teach him how to fish and he feeds himself for a lifetime. This, I think, is a great example of that adage. Education is the cornerstone to addressing all of the social ills that we face on a daily basis in this legislative body. You give a person an education, they are able to have that sense of empowerment, that sense of self-confidence, that sense of I can do it, I can step out of the cycle that I haven't been able to break free from. You know, teach people how to get out there and support themselves with jobs that are not just minimum wage jobs, jobs that really give them a sense of confidence and willingness to be all that they can be. So I think this bill goes a long way in helping us move that direction. We've seen with so many other issues, take one for example of the children's behavioral health issues. The more dollar's that we

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can put at the front end, the more dollars that we can put into prevention are going to save us multiple dollars at the far end of the spectrum that is much more expensive to sustain and continue; same way with this issue. The more dollars that we can put up front into education, into helping people take charge of their own lives, the less we're going to have to spend down the road taking care of those particular people. So I think, you know, this bill is pretty simple and straightforward and that doesn't happen too often in the Legislature. But I think the ripple effect that this bill can have in addressing so many of the other issues that we deal with on a daily basis in the Legislature is just incredible. So it's with a great deal of enthusiasm that I support this bill and hope that we can move it forward to Final Reading and on to the Governor's desk because I think the impacts will be far-reaching and longstanding. So I, again, thank Senator Harms for introducing this bill and will fully give my support to its advancement. Thank you.
[LB458]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Mello, you're recognized.
[LB458]

SENATOR MELLO: Mr. President and members of the Legislature, I'll be brief. Senator Harms, again, thank you so much for introducing LB458. LB458 provides a pathway of opportunity, I think, to many Nebraskans who are struggling to try to balance family and work and education. And I don't want to reiterate what a lot of other great senators have already mentioned, Senator Council, Senator Dubas, and Senator Fulton. But I would like to draw upon one point that Senator Fulton did mention, which is the sunset date. I really want to applaud Senator Harms for working to try to make sure that we have performance measurements on this, to put accountability in providing this opportunity so that we can measure at September 30, 2012, how this program and this bill might actually have resulted in more people being able to obtain their educationally degrees, whether through a vocationally trade or associate's degree or diploma, to help move them more towards self-sufficiency and out of poverty. So with that, I just would like to thank my friend Senator Harms again for this very important legislation, and I urge the body to support it. Thank you, Mr. President. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Mello. Members requesting to speak on LB458, we have Senator Cook, followed by Senator Loudon, and Senator Hansen. Senator Cook, you're recognized. [LB458]

SENATOR COOK: Good morning. Thank you, Mr. President, members of the body. I would like to join the chorus in support of LB458, echoing what my colleagues have emphasized about addressing poverty through sound policy. And in my mind and certainly in the mind of I would imagine all the members of the body, a solid education is a key part of that road to recovery. I won't burden the body with too long of a speech, but I would like to read into the record an excerpt from one of my favorite books, which kind of summarizes what we've all been talking about and something that I think that

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this bill really leads us toward. Generational poverty is something we're addressing with this bill. Any strategy to reduce intergenerational poverty has to be centered on work, not welfare, not only because work provides independence and income, but also because work provides order, structure, dignity, and opportunities for growth in people's lives. And this is from President Barack Obama's Audacity of Hope. Thank you. I rise in support of LB458. And thank you, Senator Harms, for introducing. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Cook. Senator Louden, you're recognized. [LB458]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I certainly support legislation such as this. Anything we can do to help these people find ways to further their education and further their way of making a living has to be a positive. I would wonder if Senator Harms would yield for questions, if he would, please. [LB458]

PRESIDENT SHEEHY: Senator Harms, would you yield to questions? [LB458]

SENATOR HARMS: Yes, I will. [LB458]

SENATOR LOUDEN: Senator Harms, as I look through the bill, in the old language they...in order to apply for some of these required funding they had to have...education was one of the things, but also they had to look for work experience, job search or employment. Now, what this bill does then also for purpose of creating the self-sufficiency, they can also do some schooling. Is that what this is all about? [LB458]

SENATOR HARMS: Yes, it is. Their actual core activity would include that of education and study time and that what we have found is that when you start to put work activity on top of that, the families just can't carry through with that. So that's where their actual core activity would be centered around education for 36 months. [LB458]

SENATOR LOUDEN: Yeah. Now, what about the cost? If they were going to do some schooling such as in our community colleges or something, who pays for that cost? Do they get some type of a scholarship or do they have to find ways to fund that themselves? [LB458]

SENATOR HARMS: That's a great question. Let me walk you through that, Senator. Before education can be included as a work activity, the participant is going to have to show that they can pay for the program on loans or scholarship, so it's no freebie. They have to go forward, they have to have the initiative to do that. And then in the process they have to show that when they get done that there will be a job at the end of it, and that it will lead them to self-sufficiency. So to start this process, Senator, they have to make sure that they can secure the loans and the scholarships on their own. The feds do not pay for anything here. The other side of this is they have to enter into a contract,

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Senator, and in this contract they have to show the obligations and reach the agreement that they will have passing grades, they'll attend classes, they'll contribute positively towards being successful in this program. There's a number of different stipulations that go with this, but the one that caught my attention, if I can share with you, is that if you don't do this and you don't meet the obligations in the contract, there's some pretty harsh penalties for this person, including the loss of the entire ADC cash stipend. [LB458]

SENATOR LOUDEN: Well, as you mentioned, the loss, that was one more question I wanted to ask, is if they pursue this and as they probably get some education and then their job training nets them getting a increase in wages, now will that put them out of the program altogether because they've helped themselves just this little bit? Or once they get into this, it is going to be a case where they can complete the whole education before they lose any of those benefits? [LB458]

SENATOR HARMS: Yes, that's the... [LB458]

SENATOR LOUDEN: Because that's been the problem with of these people that start into some of this. They get a raise in wages and then, first thing you know, they lose their childcare benefits or something like that. [LB458]

SENATOR HARMS: This is designed for 36 months. And so during those 36 months they have the opportunity to complete that certificate, diploma, and degree. And the idea here is to get the education and get them out of the federal payroll and get them on their own so they can be independent and contribute to our tax base and to be an active citizen... [LB458]

PRESIDENT SHEEHY: One minute. [LB458]

SENATOR HARMS: So that's what that's about. Yes, and they will move off of that, and that's the intent of this. [LB458]

SENATOR LOUDEN: Well, I realize they'll move off of there. My concern was is would they get pushed off too soon so that they would lose benefits before they've completed the whole process? I agree this is a very good bill and I'll certainly support it, Senator, but you can have the rest of my time, Senator Harms. [LB458]

SENATOR HARMS: Well, thank you. The whole...as I said before, the whole intent is for them to get off of this. And I don't believe...there may be some individuals who might not be ready at the end of 36 months, but I would tell you the majority of those people will be because Health and Human Services go through a very fine process to making sure that (1) they have the ability, (2) they're in the right program, and (3) they can actually do the work academically. And so I think that they've done really good job with this in

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regard to getting people ready to move in this direction. I'm really excited about seeing how many people will actually get involved in this program. When we come back a couple of years from now and we do the evaluation and the review, we're going to find out whether we've been successful. [LB458]

PRESIDENT SHEEHY: Time, Senator. [LB458]

SENATOR HARMS: Thank you. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Louden. Thank you, Senator Harms. Senator Hansen, you're recognized. [LB458]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. When we study figures, facts and figures across the United States, we find out that the average family has 2.3 children. One fact they don't point out is probably we have 1.5 parents in each house, in each family. And therein lies the problem. We have a single parent, either male or female, trying to take care of those kids, trying to get an education, and they don't have any help. They can't...their job is to raise those children. That is their job. Without an education, that's all they'll ever do. They need help with childcare, they need help with respite care, and they need an education that will lead them to employment. In this bill, LB458, gives a parent, a single parent a chance for an education. It gives 36 months. And that may seem like a long time, three years to get a two-year degree, but that's a pretty short period too. For 36 months to get a two-year degree for a lot of people is going to be tough as long as they're at home taking care of those children. I fully agree with Senator Harms that this is a bill that's needed. I think that it's been delayed too long. Unfortunately, Senator Wightman couldn't do the...do a real man's job last year with Senator Harms gone, but I do appreciate Senator Harms bringing this the floor, and I certainly will vote in favor of it. Thank you, Mr. President. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Hansen. Members requesting to speak on LB458 is Senator Gloor. Senator Gloor, you're recognized. [LB458]

SENATOR GLOOR: Thank you, Mr. President, members of the body. I just visited with Senator Harms a little bit and we were reminiscing about a program very much like this called the RAMBO program. Don't ask me to tell you what the acronym stood for, but it certainly got everybody's attention, and we did not train guerilla fighters. It related to taking people who were on public assistance and training them for a variety of healthcare careers. It was a program that Maxine Moul, former Lieutenant Governor, was very instrumental in putting together back in the nineties and, in fact, had great, great success training LPNs, training pathology specialists across this state. Eventually some of the dollars on this ran out and it no longer had somebody who could champion it, either in this body or at the state level. But for a period of time it was extremely helpful

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addressing a shortage of healthcare performers we needed. I bring it up as an example of a program very much like this set up under very much the same parameters. And so when I saw this particular bill and realized that it mirrored almost exactly the success that we saw in the RAMBO program, voiced very early on my overwhelming support for this bill. I would encourage the body to vote for LB458. Thank you. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Gloor. Senator Pirsch, you're recognized. [LB458]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. Here we go again with another controversial bill by Senator Harms. I'm sure we'll be here for hours and days again. I just wish you'd work these things out before...well, (laughter). I just wanted to rise and echo, again, the support that the body unanimously is giving regarding the bill, especially the comments Senator Council made and Senator Mello. And with that, I thank you. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. Seeing no additional lights on, Senator Harms, you're recognized to close on LB458. [LB458]

SENATOR HARMS: Thank you, Mr. President. First of all, I'd like to thank Senator Gay. Senator Gay had the foresight to do a legislative resolution study, LR307, this summer, which really cleared the way to straighten up some of the concerns that we had about this program. And without that study, we would not have gotten to this point. There was a lot of areas that we had to take care of and, Senator Gay, I want to thank you very much for that because I know it would not have been...we would not have accomplished the goal of getting this bill through. And I want to thank his committee. I would urge you to vote for this bill. It does do what we want it to do, and that is to start to get people off of the federal payroll and get them into a career. Education is the only hope for poverty, and this is the starting of this opportunity for us. So I would urge you to vote for this. And, Mr. President, I would like a roll call vote, please. [LB458]

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Harms. [LB458]

SENATOR HARMS: Mr. President, I'd like a call of the house, please. [LB458]

PRESIDENT SHEEHY: There has been a request for the call of the house. The question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB458]

CLERK: 31 ayes, 0 nays, Mr. President, to place the house under call. [LB458]

PRESIDENT SHEEHY: The house is under call. All unexcused senators please report to the Legislative Chamber. All unauthorized personnel please step from the floor. The

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house is under call. Senators, please record your presence. Senator Lathrop, Senator Ashford, the house is under call. Senator Wallman, would you please check in. Senator Harms, all members are present. Members, you have heard the closing to LB458. Senator Harms has requested a roll call vote. Mr. Clerk. [LB458]

CLERK: (Roll call vote taken, Legislative Journal page 849.) 45 ayes, 0 nays on the advancement of the bill, Mr. President. [LB458]

PRESIDENT SHEEHY: LB458 advances. The call is raised. Mr. Clerk, we'll now proceed to LB206. [LB458 LB206]

CLERK: LB206 is a bill by Senator Nantkes. (Read title.) Introduced on January 12 of this year, at that time referred to the Education Committee. The bill was advanced to General File. I do have Education Committee amendments, Mr. President. (AM512, Legislative Journal page 612.) [LB206]

PRESIDENT SHEEHY: Senator Nantkes, you're recognized to open on LB206. [LB206]

SENATOR NANTKES: Thank you, Mr. President. Good morning, colleagues. Number one, I want to start with a sincere and deep gratitude and thank you to Senator Adams and the Education Committee for, number one, providing us a fantastic hearing on this measure, and then working very, very diligently with committee counsel to ensure utmost clarity in terms of the bill presented and the amendments that I believe Senator Adams will probably visit about as well later. But after that sincere thank you, I want to draw your attention to the public policy issues contained in LB206. LB206 creates the In the Line of Duty Dependent Education Act for the benefit of children of Nebraska law enforcement officers and firefighters that are killed in the line of duty. The intent of this bill is to recognize the sacrifice Nebraska's first responders make during the performance of their official duties by providing a postsecondary educational benefit for surviving children to attend the state university, state colleges, and community colleges located in Nebraska. The act would waive tuition and fees at these institutions for children...qualifying children who have lost a parent in the line of duty. Those whom would qualify would be children of the deceased Nebraska first responder who is 25 years of age or younger, seeking a full-time student status pursuing an associate or bachelor's degree and those who are not receiving benefits under any federal act providing for the payment of tuition and fees for children of law enforcement officers or firefighters who are killed in the line of duty. To be clear, colleagues, there is a federal law, called the Police, Fire and Emergency Officers Educational Assistance Act, which does provide death benefits for dependents of those first responders who are killed or permanently disabled in the line of duty. However, this legislation seeks to not replace or supplant or in anyway modify those existing federal benefits that would be provided to qualifying family members of our first responders who make the ultimate sacrifice, but rather to supplement that law as it exists. Forty-four other states have passed similar

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laws to supplement the existing federal program that is out there. This bill has been introduced many times in Nebraska. And it has died not for lack of support, but because you know how many bills we see each year and, without a prioritization, it's hard to rise to the forefront. That's why I decided to make this my priority bill this session. I think that this is something that we can do to demonstrate our respect for our first responders that do make the ultimate sacrifice. Nebraska's law enforcement officers, firefighters and EMS providers are committed daily to protecting our lives, our livelihood, and our property. This is the least that we can do to honor their sacrifice by providing an educational benefit to their surviving children in the event of their untimely death in the line of duty. With that, again, thank you to the Education Committee for their hard work on this bill and committee staff. Thank you to the wide array of supporters we have worked with on this bill from the State Patrol to the Fraternal Order of Police to the firefighters across this great state and in each and every one of your districts. And I look forward to answering any questions on the bill. But I am hopeful that we'll be able to have a strong show of support in regards to our first responders and their family this morning and with LB206. Thank you. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. You've heard the opening of LB206. As stated, we do have an Education Committee amendment, AM512. Senator Adams, you're recognized to open on the Education Committee amendment. [LB206]

SENATOR ADAMS: Thank you, Mr. President, members of the body. The bill that Senator Nantkes has brought forward, she has already pointed out, is a bill that has been before this body many times before. But this was a year where our committee felt like this was something we really wanted to go to work on. And it has taken us awhile to get to this point, as Senator Nantkes will attest to, because there's a lot of issues here that we felt like we needed to get resolved. And what we're hoping is that the committee amendment will resolve many of those. Let me just simply highlight the amendment to you. What it does is to simply say that the fatal injury needs to be the proximate cause of death and occurred after the effective date of this act, that the death was not the direct and proximate result of a preexisting condition. The child that would be receiving the benefit would be 25 years of age or younger. The child meets all the admissions requirements of the state university, state college, or community college for which they're applying. For full-time undergraduate students pursuing an associate or bachelor's degree, up to five years they would have to complete that degree or 26 years of age. And as they...before they would receive this benefit, they would be required to apply for every...any federal financial aid, grants, or state scholarships that would first of all be available to cover tuition and fees. And then this would come in on top of that. What we are basically saying here to our universities and state colleges is if we have a dependent of a deceased first responder or a law enforcement officer that has died in the line of duty, that our colleges, universities, community colleges would waive the tuition and fees on them. That's the amendment, Mr. President. [LB206]

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PRESIDENT SHEEHY: Thank you, Senator Adams. You've heard the opening of the Education Committee amendment, AM512, to LB206. Members requesting to speak are Senator Pahls, followed by Senator Wightman, Senator Janssen, Senator Louden, Senator Wallman, and others. Senator Pahls. [LB206]

SENATOR PAHLS: Thank you, Mr. President, members of the body. I stand in support of this bill. There are a couple things I need to discuss because I did carry this legislation several years ago. And this is what was pointed out to me, that although a state does provide these benefits, we must be very careful that the firefighters or the policemen do know the ramifications of accepting some of these programs. So what I did today is I outlined what LB206, some of the provisions of LB206, and some of the provisions of the federal...at the federal level. And to make sure we were...I was correct on this, I did call the office and make sure that what I'm telling you now is still in law because you know things sometimes change. So I just would like to make a comparison because I think those people who would need to use this legislation, and hopefully nobody needs to use it, but they must be really made aware of the benefits of both programs. I'm just going to go through in a fashion like the state level would be public schools only. If you do it at the federal level, you could also use private schools. Now at the state level, the schools will absorb the tuition. Now the tuition will be paid by the student because they will be receiving money from the federal level. So those dollars would be pouring into the university or state college or community college system, but the state level it is "waivered." The highest degree is the baccalaureate; if you look at the federal level it's the graduate school. A very strong plus on the state level is 60 months, and on the federal level it's 45 months. Now here is a significant factor. Unless I'm misinterpreting some of the state law, it's surviving children; at the federal level it's the children and the spouse. So that's why I think we really need to make this public and also with the firefighters' offices and the sheriffs and police officers, they need to know this. And you can see the maximum years is 25 as opposed to 26. Now the waiver of the tuition basically probably at the state level would be more than the \$915 a month. The death of the parent, now this is a significant...death or permanent total disability of the parent or spouse. So you can see where there are some differences. And as we go down to the benefit is reduced by any award, and I know what we're saying is this would be in addition. Well, I was told that if you accept state, you automatically are out of the federal. That's what I was told. But that's something that, if somebody needs this, they need to check this ahead of time. And as you take a look at tuition and fees are what we are doing at the state level, and then at the federal level it would be fees, tuition fees, room and board, books, supplies, etcetera. The only thing that the reason I'm bringing this forth is to make sure that whoever, if they need to apply for this, that they look at both programs to make sure that we seek the best benefits for those individuals if they do need that. And the reason why I'm indicating, I just...because on both sides you must take a look at it because at the state level it may be better in some ways, and at the federal level, and I do want to make sure that we understand that. And as I was told, if you apply at the federal level...or at the state level, you would be eliminated from some

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of the benefits at the federal. Just indicates that whomever needs to take a look at this, eventually they would be wise to look at all aspects of it. Again, I support this LB206. I think it's a good idea. Thank you. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Pahls. Senator Wightman, you're recognized. [LB206]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I do rise in support of this bill. I had some questions that I would direct to Senator Nantkes and I think she's off the floor right now. Oh, she's back on the floor attempting to find the answers to some of those. So if Senator Nantkes would yield. [LB206]

PRESIDENT SHEEHY: Senator Nantkes, would you yield to questions? [LB206]

SENATOR NANTKES: I will. [LB206]

SENATOR WIGHTMAN: Thank you, Mr. President. Thank you, Senator Nantkes. As I said, I do rise in support of this bill. I applaud you for making this your priority bill because it apparently has languished maybe for several years, from some of the previous comments, and I think it is worthy of being a priority bill. I would like to know, if you can tell me that, about how many people, say, over the last five years or last ten years have been killed that would have had children that would have qualified under this bill? [LB206]

SENATOR NANTKES: Senator Wightman, thank you for your question and thank you for your support. I do have information that was provided at the committee hearing and since that. From the firefighters' perspective, there's been 22 firefighters, volunteer and professional, that have died in the line of duty in Nebraska since 1981. However, what I can't provide to you in terms of specifics is the number or age of the children that they may or may not have had in each of their corresponding families. I also understand that there would be, in about the same time period, a 20-year time period or so, about five Nebraska State Patrol officers who have died in the line of duty whose families would qualify. Again, I can't tell you the number or age of their children, so whether or not they would qualify or be impacted in that regard. But I think that the point is that it's a small number of people who would utilize this bill. And as Senator Pahls noted, hopefully, ultimately, no one would have to. And I know that you would be interested from an appropriations perspective, that's why the fiscal note is minimal. [LB206]

SENATOR WIGHTMAN: Thank you. I caught the number you said for firefighters. I didn't hear the number for law enforcement. [LB206]

SENATOR NANTKES: For State Patrol officers it would be five in about the last 20 years. I don't have specific numbers for other police officers in other jurisdictional

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capacities. [LB206]

SENATOR WIGHTMAN: But anybody, a county sheriff, member of the county sheriff's office or city police would qualify under this bill. [LB206]

SENATOR NANTKES: Yes, that's right. [LB206]

SENATOR WIGHTMAN: Thank you. I think that you could very easily consider that this may be soft money in a way, if we have such a thing as soft money, in that frequently adding someone to a class and granting them tuition may cost not dollar-for-dollar what would be spent because we aren't going to be creating new classes. So to a great extent this would be money that might not even acquire much in the way of appropriation, if and when the event occurs. So I am fully in support of the bill. Thank you, Mr. President. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Janssen, you're recognized. [LB206]

SENATOR JANSSEN: Thank you, Mr. President, members of the body. I'm still fairly neutral on this, which may be surprising to a lot of people because it sounds like a very popular idea. The issue I have is when we consider one person's sacrifice or life as a higher calling than somebody else's sacrifice or life. And that's where I kind of rub on this issue. Why not a school teacher? Why not a civil servant? I understand firefighters and police officers do protect the public, but I think a lot of people may fall under that exact same guise. And I'm not opposing the idea of this because in my case I think it's very narrow. And if we're going to give this to one, we should give it to all, all those people. But that said, I'm not...I'm still real neutral. I'm really interested to listen to the debate on this. In this case it appears that Senator Nantkes and the committee has done quite a bit of work in narrowing this down quite a bit. And the impact would be very minimal. I did have some questions, if Senator Nantkes would yield. [LB206]

PRESIDENT SHEEHY: Senator Nantkes, would you yield to questions? [LB206]

SENATOR NANTKES: I will. [LB206]

SENATOR JANSSEN: Thank you, Senator Nantkes. I was looking at this handout we got from Senator Pahls today. I don't know if you have that in front of you or not. One of the things I was looking at is the difference between the federal program and your proposed plan. And one of the things that kind of caught me is we are only talking about public schools that would qualify for this, whereas, the federal one would public or private. And my question would be, if this were to take effect, a police officer were to fall in the line of duty and their child was, say, going to Creighton University or Midland College, would there be any remedy for that student or would they have to pretty much

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drop out of this private school to go to a public school to take advantage of this?
[LB206]

SENATOR NANTKES: Well, thank you, Senator Janssen. And I just had a chance to review the handout that Senator Pahls has passed around. And I think that it's probably a good illustration of how LB206 and this proposed state legislation is, in fact, more narrowly targeted than the existing federal benefits, again to supplement the existing federal program. So if a student may, in the circumstances that you described, would qualify for the federal benefit, they would be unaffected by this legislation. If for some reason they were not able to qualify for the federal benefit, which we know happens, in fact we were only able to target this benefit to our public schools because, I think as Senator Wightman noted in his comments, this is about a tuition waiver instead of a tuition payment. So only state institutions, state public institutions would be authorized to provide that waiver. We wouldn't have jurisdiction as a state over private institutions.
[LB206]

SENATOR JANSSEN: Thank you, Senator Nantkes. That does answer my question. It doesn't necessarily erase my concern. We do have private colleges out there. And those private colleges are very valuable and they do have a significant impact to the taxpayers of Nebraska. They pay for funding postsecondary education. And, you know, a lot of times we get caught up in tuition waivers. Well, that tuition is paid by the taxpayers of Nebraska, so there is a cost there to us. So I would almost like to see, believe it or not, an expansion of this bill to include private colleges. But that's nothing that I'm going to move forward on, but it's something that I would like Senator Nantkes to at least consider as this moves on, as I suspect that it probably will. With that, I have no further questions. If Senator Nantkes would like the remainder of my time, I'd yield it to her. [LB206]

PRESIDENT SHEEHY: Senator Nantkes, one minute. No. Senator Nantkes waives. Members requesting to speak on Education Committee amendment, AM512, to LB206, Senator Louden, followed by Senator Lautenbaugh, Senator Hadley, Senator Adams, Senator Fulton, and Senator Carlson. Senator Louden, you're recognized. [LB206]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I look this bill over the amendment, AM512, which is the under...which takes the place of the underlying bill, I support this. There are some questions that I do have on that. And I think Senator Janssen had mentioned something about public and private schools. So I would wonder, would Senator Adams yield for questions, please? [LB206]

PRESIDENT SHEEHY: Senator Adams, would you yield to questions? [LB206]

SENATOR ADAMS: Yes, I will. [LB206]

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SENATOR LOUDEN: Senator Adams, there in...I think in, let's see, Section 3, subparagraph (7) or paragraph (7), as you mentioned who all members would be of the fire departments, and you went on to mention emergency medical services ambulance squad. Where does these people that are on helicopters, flight to life, do they fit in into this thing on that particular place? Those are the people that do dangerous work. [LB206]

SENATOR ADAMS: Well, they all do dangerous work, but you're right in saying that and, yes, they are included. [LB206]

SENATOR LOUDEN: Okay. And that's what that phrase right there would include it. [LB206]

SENATOR ADAMS: Correct. [LB206]

SENATOR LOUDEN: Yeah. Now the other question I have is we're talking about an unfunded mandate, because we're asking the public schools to waiver the tuition. I don't see anything in here where anybody...where the state of Nebraska is putting up major bucks to take care of any of this. Now, as Senator Janssen mentioned, you know, your public schools only, well, you can't mandate private schools to do this so this is where it was with public schools. Why isn't there some money in there to offset that funding? Isn't there a scholarship program of some sort floating around here, a fund for college education that the state of Nebraska contributes to? Couldn't some of that be used? [LB206]

SENATOR ADAMS: You know, I don't know specifically if I can address your question, but here's what I would say generally. One of the things that the amendment does, it requires the dependent to, at the point of admission, to make application for other scholarships, other financial aid, other grants that may come their way before one of our state colleges or universities or community colleges kicks in the waiver portion. So they've got to go out and look elsewhere first. [LB206]

SENATOR LOUDEN: Yeah. Well, that's nothing new because I...if a student wants to get some kind of state aid or something like that to go to school they still got to apply for all of those grants and scholarships first. Now I'm talking about if they can't get enough of them to finish paying for all of their education or their tuition and that sort of thing, we're requiring the public schools to waiver that tuition. Why can't we not...as I say, I was trying to think from memory what that school, college scholarship fund is we have, because it's been discussed before about whether or not it would be allowed for private colleges. And that's been discussed on the floor in previous years. And I'm wondering why some of that funding couldn't be asked because I'm hoping this is something that we wouldn't use very often. I mean, this is something that you hope would never get used, but nonetheless should we have something in there so that they could get fully

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funded? [LB206]

SENATOR ADAMS: You know, part of where I think we're going here, if I understand you correctly, I think that the program that you're talking about is our need-based college scholarship program that we have where the money follows the student, whether they go to public institution, private postsecondary, community college. And they would have to make application for that. Now that is need-based. Right? [LB206]

PRESIDENT SHEEHY: One minute. [LB206]

SENATOR ADAMS: So there are income guidelines. That is need-based. But they would have to make application for that. [LB206]

SENATOR LOUDEN: Well, I...I... [LB206]

SENATOR ADAMS: This would come in, you're right in thinking this comes in on top of that. And what we're hoping, and we all hope, is that, frankly, there's not going to be that many dependents that will make application for this. [LB206]

SENATOR LOUDEN: True. I was just wondering if there should be some funding rather than to say that our public schools would have to waiver that tuition. And if there was funding, then these people would be eligible to go to a private school, if they so desired, if the funding...like your need-based funding is. This is my concern, is are we doing the right thing all the way through or are we just doing something that we think makes us feel good and we pushed it off on to the public schools? Senator Adams, you may have the rest of my time. [LB206]

PRESIDENT SHEEHY: Five seconds, Senator. [LB206]

SENATOR ADAMS: (Laugh) I'll waive then. [LB206]

PRESIDENT SHEEHY: Senator Adams waives time. Senator Lautenbaugh, you're recognized. [LB206]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. I just wanted to rise briefly and thank Senator Nantkes for bringing this bill. I do think it is something that is overdue and something that we should be addressing. I believe it is possible to make some distinctions in that we are trying to provide a benefit for the families of individuals who are at-risk day in and day out. I think because of the likelihood, unfortunately, that the need will arise for such a program, that makes it much more important that we do it now. And I think that we need to target those groups that are probably most at risk for this by way of providing some kind of a limitation on it. So I think I understand the debate and some of the concerns others have raised, and I'm

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listening to those concerns. But, in general, I do support this and I think it's a good idea whose time has come. Thank you. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Senator Hadley, you're recognized. [LB206]

SENATOR HADLEY: Mr. President, members of the body, I rise in support of AM512 and LB206. But I want to raise a point that I just...kind of entered my mind when I was reading this bill. And I want to tell you about Army Sergeant Jacob S. Schmuecker. Army Sergeant Schmuecker was from Norfolk, and he was 27 years old, and he was killed by a roadside bomb in Iraq. He was a member of the Nebraska National Guard who lost his life in service of his country. He was a Nebraska citizen serving in our National Guard. He has...was married and he had three children in ages 4 years to 19 months. Would Senator Nantkes yield to a question? [LB206]

PRESIDENT SHEEHY: Senator Nantkes, would you yield to questions? [LB206]

SENATOR NANTKES: Yes. [LB206]

SENATOR HADLEY: Senator Nantkes, did you or the committee look in at all to extending this benefit to citizens of Nebraska who have been or will be killed in the line of duty serving their country in the armed services in a combat zone? [LB206]

SENATOR NANTKES: Thank you, Senator Hadley. I appreciate the question. And I think that we can all be in agreement that those who also make the ultimate sacrifice in service to our country deserve our utmost respect as well. I think that in order to be clear, as Senator Janssen noted, there is a variety of different folks that could be contained, who are public servants, in the context of this bill. But because, as Senator Lautenbaugh mentioned, the likelihood of death and the increased level of risk that specifically first responders are faced with, that is really the intent of the state legislation. And in regards to the armed services, I understand that there are additional programs available through the military and the federal government that sometimes... [LB206]

SENATOR HADLEY: Is there? [LB206]

SENATOR NANTKES: ...look at that. And some states have looked at corresponding state programs. I think that that is probably, while similar in nature, beyond the scope of the bill and the amendment, but would be happy to work with you or members of the committee to ensure, maybe next year or down the road, that we can have a uniform system of benefits for those who do make the ultimate sacrifice in service. [LB206]

SENATOR HADLEY: Thank you, Senator Nantkes. I guess, I understand what you're

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saying. But to me there was a difference between what Senator Janssen was saying about someone who might work in an office in the state and such as that versus someone who is in combat who is a citizen of the state of Nebraska, who is defending us and who dies in the line of duty doing their job. So I guess I don't see a difference between a firefighter who dies doing their duty versus a soldier from the state of Nebraska who dies doing his or her duty in the line of action. I'll tell you what I'll do, I'll look and see what kind of benefits are available to these people and possibly maybe talk with you later about what might be done. Thank you, Mr. President. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Hadley. Senator Adams, you're recognized. [LB206]

SENATOR ADAMS: Thank you, Mr. President. First of all, I'd like to try to respond to Senator Hadley's comments, but I think he's got the best advisor back there as to what military benefits are available to dependents of military people who have been killed in action. And there is a tuition waiver as well as the GI bill that is available to them. So what Senator Nantkes' bill does is to look to another set of folks, and it is very narrowly structured. The other thing that I wanted to speak to, Senator Pahls has worked with this before and the sheet that he handed out to you is pertinent, it's relevant. I want to clarify something. One of the things that we worked hard on as a committee was trying to remedy the very issue that Senator Pahls has raised. And that issue is, is what we do in Nebraska, will it negate in anyway federal benefits? And the answer to some degree is, yes, looked at in this way. If the state of Nebraska grants tuition, then that means that the federal government, in an equivalent amount, will therefore deduct that from their benefit package to the dependent. That's the trade-off. So it's not like we're going to completely...this act will completely nullify the federal benefits. The state benefit, the dollar amount is merely subtracted off of the federal benefit, that's all. Thank you, Mr. President. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Adams. (Visitors introduced.) Resuming floor discussion on the Education Committee amendment, AM512, to LB206, members requesting to speak are Senator Fulton, followed by Senator Carlson, Senator Gloor, Senator Nantkes, and Senator Utter. Senator Fulton, you're recognized. [LB206]

SENATOR FULTON: Thank you, Mr. President, members of the body. I rise in support of AM512 and LB206, and I believe have been given an opportunity to look a little bit more deeply into this issue brought to us by Senator Nantkes. From my vantage, those individuals who put their lives in harm's way on our behalf are deserving of a special recognition on the part culturally of the people of Nebraska but more specifically and particularly by those of us who represent those people. And in my mind, I categorize law enforcement, firefighters, and our military within that category. Here's a question. Could we effectuate the intent of this bill via the private sector? Could we take up donations in the private sector to accomplish what this bill seeks to accomplish? We could. I'm one of

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these individuals who would rather have the private sector do that which the public sector...if the private sector can accomplish X, then let the private sector do it before the public sector. That's my general philosophy. Why is it different here? It's a matter of judgment. It's a matter of appropriateness. We're talking about individuals who, while performing their duty, have laid down their lives for their friends, to quote...to imitate Senator Chambers and quote the Bible. So it's appropriate that the public sector make this gesture, make this recognition. So there could be an argument leveled against this bill, but there is no mathematical or scientific reason as to why we should go forward with this. This becomes a judgment of appropriateness, something that's not tangible, something that individuals recognize as good. When you see someone who is sacrificing, a self-sacrificial act for the good of others, there is something inherently good about that. And it's very difficult to quantify, which causes a person like me trouble, but I know that it's there. So it is appropriate that we take this act. Another question: Why limit it to just these individuals? Senator Adams did a good job of describing other potentialities that exist for the benefit of fallen military. But still, Senator Hadley raises a good question, as does Senator Janssen: Why these individuals and not others? How do we make sense of that within our policy? And that gets us to the nature of a benefit. When we as a state bestow the benefits of our just society upon individuals, we, by nature of that bestowing, are choosing certain individuals to receive that benefit. This, incidentally, is an argument...and with respect to Senator Nantkes, this incidentally is an argument that I have leveled against the provision of benefits for illegal immigrants. I don't want to...I know, we just got off of that and I don't want to interject that in this debate. But philosophically, the nature of bestowing a benefit means choosing. You can't get away from that. You're going to have to employ judgment. That's why these types of bills are not something that we can put down on paper, quantify, add, come up with a summation, a total, and make a decision on. Again, that causes someone like me a little bit of trouble. But again, we come back to the appropriateness. Individuals who lay down their lives sacrificially for our own betterment deserve some gesture on the part of the people. And I think that it's appropriate that the public sector, government move forward to recognize. [LB206]

PRESIDENT SHEEHY: One minute. [LB206]

SENATOR FULTON: Another way to say this, there are others who could fall under the purview of this bill who we have chosen not to include in the purview of this bill. I would ask you not to disallow this bill because there are others who could be a part of it. Okay? Let's not disallow this bill because we would like it to go further. Let's do what we can here and perhaps in the future we could take up something that Senator Hadley might have in mind or others. This is an appropriate gesture and it's something that numbers and mathematics do not do justice to. There's something intangible yet very real about a self-sacrificing act. The least we can do is to recognize that next generation, their children and somehow provide a gesture such that they can have a better future. So please be in support of AM512 and LB206. Thank you, Mr. President.

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[LB206]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Carlson, you're recognized.
[LB206]

SENATOR CARLSON: Mr. President and members of the Legislature, I do rise in support of AM512 and LB206. I do have a question for Senator Nantkes, if she would yield. [LB206]

PRESIDENT SHEEHY: Senator Nantkes, would you yield to questions? [LB206]

SENATOR NANTKES: Yes, Senator Carlson. [LB206]

SENATOR CARLSON: Senator Nantkes, in looking at the bill and then listening to you introduce the bill, there's some different terminologies here... [LB206]

SENATOR NANTKES: Okay. [LB206]

SENATOR CARLSON: ...and I'd like you to clarify that. If I heard you right, in your introduction you talked about those who die in the line of duty. [LB206]

SENATOR NANTKES: Yes. [LB206]

SENATOR CARLSON: On page 1, there's terminology about being killed in the line of duty. Also on page 1 there's lose their lives in the performance of their duties, and then on page 2 it refers to fatal injury in the line of duty which is a proximate cause. Are there differences in how this is stated or is it all meaning the same thing? [LB206]

SENATOR NANTKES: I think those could fairly be considered synonyms for the loss of life that has occurred in the line of duty. [LB206]

SENATOR CARLSON: Well, I see "killed," lose lives, "fatal injury," but if we just say "died in the line of duty" and somebody keels over of a heart attack, is that different?
[LB206]

SENATOR NANTKES: I think, Senator Carlson, that some of those terms of art were contemplated during the committee hearing. And if you note later in the bill where the certification process exists in terms of qualifying dependents for the benefit, it lists how the verification of that death, the process that will occur to ensure that it meets the most simple and clear intents of those who have died in the line of duty in pursuance of their professional activities. [LB206]

SENATOR CARLSON: Okay. Thank you, Senator Nantkes. Now another question that

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came up with what Senator Adams said, people in law enforcement and firefighters, if there are currently federal benefits available and then what we approve is subtracted from those federal benefits, what are we doing? Or maybe firefighters don't have any federal benefits. But if it, in fact, is a substitute, and the times, as difficult as they are for us economically right now, what are we gaining? [LB206]

SENATOR NANTKES: Thank you, Senator Carlson. And I think this is really one of the most confusing aspects of the bill but it really should not be. Because the fact that there is a federal program that does exist should not complicate the creation and implementation of a corresponding supplemental state program. We heard great testimony in the hearing that in terms of the process and the scope that some of those who should qualify for the federal benefits sometimes do not, which ultimately leaves out deserving families for technical reasons, so then this provides really a backstop or really a default option for people who, because of process or technical reasons, may not qualify under the scope of the federal benefits. As Senator Adams correctly noted, before any dependents of those who have died in the line of duty would qualify for the state program as outlined in LB206, they must exhaust their remedies at the federal level, and they must exhaust their remedies in terms of other scholarship or other educational benefits that may be afforded to them. Again, that's why we have a very limited, minimal fiscal note available here because it really does put the onerous onto the family, the surviving dependents... [LB206]

PRESIDENT SHEEHY: One minute. [LB206]

SENATOR NANTKES: ...to really find other options, if they do exist, to provide for that education. [LB206]

SENATOR CARLSON: Okay. Thank you. So it appears that this is going to fill a gap and help people from falling through the cracks. And we still get a benefit to those families that are deserving. Thank you for your answers. Thank you, Mr. President. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Gloor, you're recognized. [LB206]

SENATOR GLOOR: Thank you, Mr. President. I would also ask if Senator Nantkes would yield for a few clarifications. [LB206]

PRESIDENT SHEEHY: Senator Nantkes, would you yield to questions? [LB206]

SENATOR NANTKES: I will, yes. [LB206]

SENATOR GLOOR: Thank you, Senator. And I apologize if you answered these

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questions. I was distracted on another bill. And again apologize if you've already answered or made this clear. But to follow up on Senator Louden's question about helicopters and transportation, I think I understand quite well that if a pilot of that helicopter was an employee of law enforcement, they're covered. What if it was a contract company that had a pilot that was under contract flying on behalf of the State Patrol or a sheriff's department? Would they be covered under this? [LB206]

SENATOR NANTKES: We did not...Senator Gloor, thank you for your questions. We did not cover that specific area of definition in the previous questioning, so I think that that is a new and different point that we should talk about. If I could apologize for just a moment, I'm looking through the original definitions and the committee amendment, because I know we had representatives from the EMS Association in to talk about those very distinctions and ensure that we had a clarity of definition available. And I'm sorry, I'm just trying to find it in the original bill so that we can be accurate. [LB206]

SENATOR GLOOR: The same might hold true of capacities like Civil Air Patrol, if engaged by law enforcement, I'm guessing sheriff's posses deputized probably would be covered, but those are a couple of areas that I've been thinking of that I wonder if fit under the definition. [LB206]

SENATOR NANTKES: Okay. [LB206]

SENATOR GLOOR: And I'd be glad to visit with her off mike about this. [LB206]

SENATOR NANTKES: Senator Gloor, I did have a chance to visit with Senator Adams, too, and utilize his expertise from the information we provided at the committee hearing and the subsequent committee discussions. And it's his understanding, as is mine, that if it is a contract for emergency medical services and there would be a qualifying death and qualifying dependents in regards to that service, they would be eligible for the benefit. [LB206]

SENATOR GLOOR: Although in that case there may be benefits available by that employer which would be taken into consideration before this would apply. [LB206]

SENATOR NANTKES: Absolutely, Senator Gloor. And as I noted, this legislation does complement other programs that may exist, ensures that families seek all of those that may exist in the private or public sector or federal sector or private insurer otherwise. And then this is really the backstop, the default program for deserving families who might not qualify for something otherwise. [LB206]

SENATOR GLOOR: Thank you. And I believe Nantkes follows me. And I would yield the remainder of my time to her. Thank you. [LB206]

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PRESIDENT SHEEHY: Senator Nantkes, 2 minutes and then you're next in the queue. [LB206]

SENATOR NANTKES: Okay. Thank you, Mr. President. Thank you, members, for the thoughtful questions and considerations and dialogue we've had in relation to this legislation this morning. I think, quite simply, I won't take up too of the time because I want other people who questions to be able to bring those forward. But I think that this is a long overdue conversation and I'm so thankful that we're having it here today and that this is I truly a believe a bill that we can put aside differences on so many of the different areas of public policy which we look at and find common ground, find common sense solutions to respecting and honoring the sacrifice made by our first responders who toil and work and serve in every community, in every district across this great state each and every day. Thank you, Mr. President. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. Did you wish to use your next time? Senator Nantkes waives. Additional members requesting to speak on the Education Committee amendment, AM512, to LB206, Senator Utter, followed by Senator Price. Senator Utter, you're recognized. [LB206]

SENATOR UTTER: Thank you, Mr. President and colleagues. I must admit to some confusion on this bill, while I support what we are trying to do. Some folks would say it's not hard to confuse me, and I would agree with that. And I'm also confused about who to ask the question to. So I see Senator Adams is at his microphone, I will ask him. [LB206]

PRESIDENT SHEEHY: Senator Adams, would you yield to questions? [LB206]

SENATOR ADAMS: Yes, I will. [LB206]

SENATOR UTTER: Senator Adams, thank you. As I look down through the paper that Senator Pahls sent around comparing the two programs, it's my understanding from the debate this morning that someone who may be entitled to these benefits would first apply to the federal program and then go to the state for things that the federal didn't cover. Is that correct? [LB206]

SENATOR ADAMS: It could be that, yes. [LB206]

SENATOR UTTER: Are there instances that this piece of legislation, where this piece of legislation would cover that would be ineligible for federal benefits? [LB206]

SENATOR ADAMS: I guess I don't have an immediate answer to your question for you other than to look at it as I described it a few minutes ago on the mike, and that is if you receive the state benefit then that amount is subtracted from what the federal would

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then further provide for you. [LB206]

SENATOR UTTER: But did I not understand earlier that anybody that might be eligible for these benefits would be compelled to seek the federal benefit first? [LB206]

SENATOR ADAMS: I don't have an immediate answer to that question of the priority. [LB206]

SENATOR UTTER: So is it a pick or choose situation then, from your understanding? [LB206]

SENATOR ADAMS: No, it is not. They make application with the federal and that in effect is the application for both. But the federal takes priority. You do make application for both my legal counsel tells me, both the federal and the state. [LB206]

SENATOR UTTER: And then the state benefits kick in after the federal benefits have been exhausted, is that right? [LB206]

SENATOR ADAMS: The state first and then the federal. [LB206]

SENATOR UTTER: Why would we do it that way? [LB206]

SENATOR ADAMS: So as probably no to negate the...the...my legal counsel tells me that is the only constitutional way in which we can distribute those benefits. [LB206]

SENATOR UTTER: I'm glad you've got a legal counsel, Senator Adams. (Laugh) [LB206]

SENATOR ADAMS: I am, too, when it comes to this part of it. [LB206]

SENATOR UTTER: It would seem to me that it would be a little strange, I must admit, that if they are eligible for federal benefits, and I'm having trouble with the constitutional thing that your legal counsel is talking about. But it seems a little strange to me that we as a state wouldn't require that they would seek whatever federal benefits they are eligible for and then the state benefits would supplement those federal benefits. [LB206]

SENATOR ADAMS: You're qualifying for...you are qualifying and making application for both. And what the state is, in essence, doing is filling in where the federal may not. [LB206]

SENATOR UTTER: So we are in fact mandating that they apply for... [LB206]

PRESIDENT SHEEHY: One minute. [LB206]

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SENATOR UTTER: ...whatever federal benefits they are eligible for,... [LB206]

SENATOR ADAMS: That's right. That's right. [LB206]

SENATOR UTTER: ...and then the state kicks in secondarily. [LB206]

SENATOR ADAMS: That's correct. [LB206]

SENATOR UTTER: Now I think I understand it better. [LB206]

SENATOR ADAMS: I hope so. And I haven't helped you very much, I'm sorry. [LB206]

SENATOR UTTER: Thank you very much. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Utter. Senator Price, followed by Senator Pirsch, and Senator Giese. Senator Price, you are recognized. [LB206]

SENATOR PRICE: Thank you, Mr. President, members of the body. I rise just to provide some information on federal benefits paid to active duty members who are in this same situation. The question did come up on the floor and just to make it a matter of record, you can find out this information at two Web sites, www.vba.va.gov/survivors or you could go to www.gibill.va.gov and therein would be the information. A dependent and/or family members would be eligible for Chapter 35 benefits, which are approximately 45 months of education. They're also eligible for what they call a DIC, which is Dependency and Indemnity Compensation, and this would be paid out from 18 to 26, and also of course for the surviving spouse. And that's approximately \$286 a month per child. And then also all this falls under Section 301 of Public Law 109-461. Now...and vocational training is also available for this. And to add for the state benefit, the state, and it's my understanding there is a state waiver to state institutions. So there would be a waiver for the tuition. And then your Chapter 35 benefits would come involved, plus the DIC, and you also would have the availability, of course, to apply for Social Security benefits. Thank you, Mr. President. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Price. Senator Pirsch, you're recognized. [LB206]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I guess in looking at the intent of this bill I do concur with the...I guess, the question had been raised, what is special or unique such that we should not be offering these benefits to other public servants. And I think that it's the scope of the duties that we place upon these particular public servants, and in particular the elevated level of risk that they undertake and also the elevated frequency of the risk that we ask them to undergo. It's a...you know, as a

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prosecutor, I can, you know, comment on working with members of law enforcement. And it really is a day in, day out kind of deal where you're stopping cars, you have no idea who's in those cars. You know that over the course of the year you're going to encounter individuals who will turn violent on you. And whether they have a weapon, don't have a weapon, these are all things that, you know, you have to encounter in your daily life, which is why, by the way, we authorize for the instance of, you know, law enforcement the ability to wear a gun. Again, that's a recognition that they're encountering elevated risks on an elevated frequency. And so towards that same end I think it makes sense then to say that, you know, you can pretty much count on, if you engage in these types of professions, that you will at some point in time have your life threatened. And I think what we want to do with this bill is take away that hesitancy when we ask, you know, law enforcement or these other employees to go into a burning building and, you know, take on fire, place their lives at risk. We need that. Right? When you're calling 911 and you want somebody to, you know, rescue somebody from your...you know, one of your family members from the house, there's a natural inclination to hesitation. And so we want to at least take away whatever obstacle we can to make sure that that professional does what we want them to do, which is essentially put their life at risk and, you know, arrest the bad guy who's putting society, other people at risk or going into that burning house and rescue family members. And so that's what they do day in and day out, and so I think it makes perfect sense why we would, you know, form this category of people who are enumerated in the bill. And to the extent that this is and has...I think it's pretty clear now that this is a supplemental type of coverage that the state is undergoing, that first and foremost you look to federal, not just the federal, but as I understand it from Senator Nantkes' testimony here today, to the extent that there has been a...and let me clarify that with Senator Nantkes, if I could. [LB206]

PRESIDENT SHEEHY: Senator Nantkes, would you yield to a question? [LB206]

SENATOR NANTKES: Yes. [LB206]

SENATOR PIRSCH: And thank you, Senator Nantkes, I appreciate your bill. You had commented before, should there be, say, an educational fund set up, that that's what they would look to first before the state would be looked to. Is that correct? [LB206]

SENATOR NANTKES: I guess I'm not sure, Senator Pirsch. [LB206]

PRESIDENT SHEEHY: One minute. [LB206]

SENATOR NANTKES: Do you mean if there was somehow or another some private fund-raising done, if...for the family... [LB206]

SENATOR PIRSCH: Right, an educational savings fund that was set up in memoriam or

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something of that sort. [LB206]

SENATOR NANTKES: Right. If somehow or another under federal law, other state scholarship programs, or the private sector has somehow or another come together to provide for the educational benefit for qualifying children under this law, then they would not need to (a) access the state supplemental benefit... [LB206]

SENATOR PIRSCH: Okay. [LB206]

SENATOR NANTKES: ...and would not probably be eligible for such. [LB206]

SENATOR PIRSCH: Very good. Well, I just say, you know, as a prosecutor, you know, just recently in April of '08 there was an officer in my city who was shot and nearly killed. In 2003, we lost an officer and back in '95 lost an officer as well. So it does happen and so I do appreciate, you know, this bill concept. Thank you very much. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. Speaker Flood, you're recognized for an announcement. [LB206]

SPEAKER FLOOD: Thank you, Mr. President. Members, good morning. A reminder that next week we are going to begin all day debate, beginning Tuesday, March 31. As a general rule, we will work until about 5:00 each day, except for the last day of the work week. Unless otherwise announced, we will work through the lunch hour on the last day of our work week and then adjourn midafternoon for the weekend. Next week, however, on April 3, which is Friday, we will be adjourning prior to 1:00 p.m. to accommodate the hearing scheduled by the Natural Resources Committee. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Speaker Flood. (Visitors introduced.) Resuming floor discussion on the Education Committee amendment, AM512, to LB206, members requesting to speak are Senator Giese and Senator Price. Senator Giese, you're recognized. [LB206]

SENATOR GIESE: Thank you, Mr. President and members of the body. I rise in support of AM512 and LB206, and echo, I believe, Senator Gloor's statements that it is hopefully a bill that we will never have to use. But the reality is that volunteer fire departments over the years, the numbers of firefighters that they have in their communities, those numbers have continued to decline. And I think this is just a...this is a good bill, again, that I hope that we will never have to use. I want to thank...I've worked with the firefighters this year on a bill. I want to acknowledge Dave Engler and the Nebraska Fire Fighters and what they do and the efforts that they do to ensure that we are all safe in our communities. So I do support the bill. And I would yield the remainder of my time to Senator Nantkes. [LB206]

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PRESIDENT SHEEHY: Senator Nantkes, 4 minutes. [LB206]

SENATOR NANTKES: Thank you, Senator Giese. And, colleagues, I know that we have some other things on the agenda today and a short bit of time left before us this morning, so I'm really going to utilize this time. I think Senator Price has some comments, and then I was hope...after this time expires and I was hoping just to utilize this as my closing. I think we've again had a very good dialogue about the recognition involved in this legislation towards the first responders in our communities, whether they be emergency medical service professionals, firefighters, professional or volunteer, and of course law enforcement officers, as well, at the State Patrol or at the county and city level. I think we've helped to clarify the record in a very important way about the intent and the logistics in implementation of the bill as contemplated under the Education Committee amendment. I hope that we can move forward today with a strong show of support for Nebraska's first responders who do make the ultimate sacrifice in providing an educational benefit to their dependent children. Thank you. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. Senator Price, you're recognized. [LB206]

SENATOR PRICE: Thank you, Mr. President, members of the body. I'd like to ask if Senator Nantkes would yield to a question. [LB206]

PRESIDENT SHEEHY: Senator Nantkes, would you yield to questions? [LB206]

SENATOR NANTKES: Yes. [LB206]

SENATOR PRICE: Thank you very much, Senator Nantkes. And thank you very much for giving me the opportunity to clarify the federal benefits for our fallen soldiers. The question I have, Senator Nantkes, is if a member--let's use the fire department for this analogy or this story line--if a member has a heart attack 24 hours after an event, would that be included as a line of duty? Because it didn't happen coincidental or within...what a lot of people would call the event time frame, would they be covered? [LB206]

SENATOR NANTKES: Senator Price, if I understand...number one, thank you, thank you for clarifying the record in regards to the federal benefits available to our federal...our military members who are killed in the line of duty. I think you provided a lot of helpful information to the body, to the public, and to the record in that regard. Finally, in relation to the hypothetical which you asked, okay, to be clear a firefighter is engaged in his duties, leaves the fire station, his shift is over, and then 24 hours later would have a heart attack; whether or not his children would qualify for the benefit, is that the question? [LB206]

SENATOR PRICE: Absolutely. [LB206]

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SENATOR NANTKES: Okay. I don't believe so. I think that the bill in terms of the verification that the death occurred in the line of duty would seek to clarify and make that clear that the death must happen within the scope of their employment and within the line of duty. [LB206]

SENATOR PRICE: Okay, thank you. And I'll go out on a limb to let you know I didn't just sit here and divine that question. That question was something the staff and I, who had...and a staff member who had worked on the federal legislation, that was a point of issue. I guess there is an incident rate that is significant enough to where that became an issue. So I bring that forward to you. And we can always work this off the mike. Thank you very much. Thank you, Mr. President. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Price. Seeing no additional lights on, Senator Nantkes, you're recognized to close. Oh, excuse me, Senator Nantkes. Senator Adams, you're recognized to close on the Education Committee amendment, AM512. [LB206]

SENATOR ADAMS: Thank you, Mr. President. Been a lot of questions raised today and there will probably continue to be questions. Let me add one other thought as we worked on this. And we spent a lot of time in committee trying to address many of the things that you have raised and obviously there's probably even more things. The federal definition of who qualifies is a very, very narrow, very narrow definition. And what we've tried to do here is to say let's take those definitions and let's be pretty restrictive ourselves so that we don't open up something here, a floodgate, that we can't control. But yet are there folks here in Nebraska that, in the line of duty, the firemen, the police people, that are killed in the line of duty that maybe don't fall within a very, very narrow federal guideline that we could help at this end? And that's a large part of what we're trying to do here with this amendment. With that, Mr. President, I'll close on the amendment. [LB206]

PRESIDENT SHEEHY: Thank you, Senator Adams. You have heard the closing. The question before the body is on the adoption of the Education Committee amendment, AM512, to LB206. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB206]

CLERK: 37 ayes, 0 nays on adoption of committee amendments. [LB206]

PRESIDENT SHEEHY: AM512 is adopted. We will now return to floor discussion on LB206. Seeing no lights on, Senator Nantkes, you're recognized to close. Senator Nantkes waives closing. The question before the body is on the advancement of LB206. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB206]

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CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB206]

PRESIDENT SHEEHY: LB206 advances. We'll now proceed to LB477. [LB206 LB477]

CLERK: LB477, a bill introduced by Senator Carlson. (Read title.) The bill was introduced on January 20, referred to the Natural Resources Committee, advanced to General File. There are committee amendments, Mr. President. (AM481, Legislative Journal page 638.) [LB477]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Carlson, you're recognized to open on LB477. [LB477]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I want to thank the Natural Resources Committee for hearing the bill and for...to Senator Utter for prioritizing the bill. LB477 would provide uniform and consistent treatment of transfers of certified irrigated lands or other certified water uses, and for the transfer of ground water rights through participation by a landowner or water user in an NRD financial incentive program. Specifically, LB477 requires a titled report initiated by the Natural Resource District or the applicant identifying existing lienholders and written consent from such lienholders before the ground water rights can be transferred. The bill also requires an NRD, following approval of a transfer of certified irrigated land or other certified water uses, to record an instrument of transfer of the right to use ground water against the real estate from which a transfer of certified irrigated lands or certified water uses occur. This bill is of interest and concern to financial institutions and buyers and sellers of irrigated land. Significant areas of our state are fully appropriated or overappropriated. We dealt with a bill yesterday, Senator Langemeier's bill. When a basin is fully appropriated that means we're using as much water as is available coming into the basin and any further uses require an offset. If a basin is overappropriated we're using more water than we have coming into the basin and we need to reduce the use of water. And due to this situation, lenders anticipate future transfers of ground water rights to occur with greater frequency. If a financial institution has taken irrigated land as collateral for a loan, a transfer that takes place without the knowledge and involvement of lienholders can adversely affect the value of the land securing the loan. Now a buyer of land needs assurance that the sale is not burdened by unknown liens on the land and that water transfers to the land purchased are real. Likewise, it's important for the seller. Once the land is sold and water rights are transferred, the seller needs assurance that the sale is final and any water transfers are legal. My office has been involved in several meetings concerning this issue in an effort to bring together all interested parties. The hearing was lengthy and a committee amendment resulted to address issues brought up at that time. I've received e-mails, phone calls, and letters from people in the state in agreement with LB477. In conclusion, LB477 is designed to provide for uniform and consistent treatment of transfers of certified irrigated land and other certified water uses by identifying all existing liens that have been properly recorded against the land or

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water rights being transferred or sold. The bill advanced from the Natural Resources Committee on an 8 to 0 vote. In the hearing, the Department of Natural Resources testified as being in opposition because of surface water issues. Those issues have been addressed and will be presented in the amendment from the committee. And I would be happy to answer any questions and ask that you approve LB477. Thank you, Mr. President. [LB477]

PRESIDENT SHEEHY: Thank you, Senator Carlson. You've heard the opening to LB477. As was stated, we do have a Natural Resources Committee amendment, AM481. Senator Langemeier, you're recognized to open on AM481. [LB477]

SENATOR LANGEMEIER: Thank you, Mr. President, members of the body. The committee amendment offered is in I'm going to call them ten lines of information. And this is the result of meetings that were held by all interested parties that testified that day, both in support and opposition, to ease their concerns. The committee amendment, Sections 1, 2, and 3 of the 10, remove the requirement for a report of title to accompany an application or transfer of surface water rights and reinstates an existing provision in law regarding the identification of a lienholder to include those reflected by a mortgage deed of trust or another security instrument. There was a plan to expand who would be allowed to prepare a report of title. However, since the time...from this time of LB477's hearing the parties have determined that allowing any other than...any other individuals other than an attorney or an abstractor to prepare the report of title could validate the state Abstracters Act. So that was adjusted. The committee Section 5 clarifies provisions of both Sections 7 and 8 become part of the Nebraska Ground Water Management, Protection Act. Section 7 deals with lienholder identification. Section 8 deals with the instrument of transfer of the right to use ground water. The committee amendment Section 5 revises the definitions of certified irrigated acres to the definition of certified irrigated land. And Section 7 replaces the word "acres" with "land." And that is the committee amendment. They were technical changes to clarify some confusion between ground water and surface water individuals and the lending institutions. And with that, I would ask for your support of AM481 to LB477. [LB477]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the opening of the Natural Resources Committee AM481 to LB477. Member requesting to speak, Senator Utter, you're recognized. [LB477]

SENATOR UTTER: Thank you very much, Mr. President and colleagues. I'm happy to have prioritized this bill because I think it's an extremely important bill, not only for financial institutions in Nebraska who lend money on using land as collateral but as a protection measure for buyers of real estate. It makes a considerable difference on a piece of real estate, if you are a buyer, as to whether or not the ground water rights underneath that real estate have been previously sold. And so this is simply just a notification system, another cog in this wheel of water policy that is becoming so

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important to this state. It not only provides that notification that is necessary to a lender when he is looking at a piece of property for collateral, it also provides notification to the lender in the event than an owner decides at a later date, before a loan is paid off, to transfer the underlying water, the water right, the irrigated acres. And so I think it's just a matter of putting everything on the table, notifying the parties that are involved, and becomes a very important piece of legislation, not only to the banking industry or the financial industry that makes loans on farm real estate or any kind of real estate but also is an important piece of legislation to buyers and sellers of farm real estate. So I would urge that you look favorably on this legislation and advance it on to Select File. Thank you very much. [LB477]

PRESIDENT SHEEHY: Thank you, Senator Utter. Seeing no additional lights on, Senator Langemeier, you're recognized to close. [LB477]

SENATOR LANGEMEIER: Mr. President, I would ask that the body adopt AM481 to LB477. Thank you. [LB477]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the closing. The question before the body is on the adoption of the Natural Resources Committee amendment, AM481, to LB477. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB477]

CLERK: 33 ayes, 0 nays on adoption of committee amendments. [LB477]

PRESIDENT SHEEHY: AM481 is adopted. We'll now return to floor discussion on LB477. Seeing no lights on, Senator Carlson, you're recognized to close. [LB477]

SENATOR CARLSON: Mr. President, members of the Legislature, this is a good bill. And it's good for the lending institutions. It's good for people who buy land. It's good for people who sell land. It's the right thing to do. We'd ask for your support of LB477. Thank you. [LB477]

PRESIDENT SHEEHY: Thank you, Senator Carlson. You have heard the closing. The question before the body is on the advancement of LB477. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB477]

CLERK: 33 ayes, 0 nays on the advancement of the bill, Mr. President. [LB477]

PRESIDENT SHEEHY: LB477 advances. Mr. Clerk, do you have items for the record? [LB477]

CLERK: Mr. President, an amendment: Senator Wightman to LB121. Senator Council offers LR75. That will be laid over. I have a hearing notice from Judiciary, a confirmation

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hearing notice. Name adds: Senators Nantkes and McGill to LB555. (Legislative Journal pages 850-852.) [LB121 LR75 LB555]

And a priority motion, Mr. President: Senator Rogert would move to adjourn until Tuesday morning, March 31, at 10:00 a.m.

PRESIDENT SHEEHY: You've heard the motion to adjourn until Tuesday, March 31, at 10:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.